

FINDING OF NO SIGNIFICANT IMPACT
RELOCATION OF THE TWIN OWLS & GEM LAKE TRAILHEADS
In
ROCKY MOUNTAIN NATIONAL PARK

Since the 1970's there has been a trailhead at Twin Owls. The trailhead provides access to the Black Canyon, Gem Lake and Lumpy Ridge areas of Rocky Mountain National Park (RMNP). The parking lot associated with the trailhead can accommodate about 30 vehicles. The only means of vehicular access to the existing Twin Owls parking lot is via a $\frac{3}{4}$ -mile long, one-lane road that passes through the MacGregor Ranch. The ranch is within the authorized boundary of RMNP, and the National Park Service (NPS) holds a conservation easement on the property. In 1989 the ranch was placed on the National Register of Historic Places. Although the MacGregor Ranch is located within the authorized boundary of the park, it is a working cattle ranch and remains private property.

The Gem Lake trailhead is located approximately one mile southeast of the Twin Owls trailhead and provides access to Gem Lake and the east end of Lumpy Ridge. The Gem Lake Trail predates the establishment of RMNP, which occurred in 1915. The first $\frac{1}{3}$ -mile of the trail crosses private property. The parking lot is located on the north side of Devils Gulch Road and can accommodate about 18 vehicles.

Increasing visitor use of the Twin Owls trailhead and parking lot has created problems for the MacGregor Ranch and RMNP. The current parking lot does not meet public demand, there is no parking for vehicles pulling trailers, and there is inadequate space for vehicles to turn around, all of which contribute to heavy congestion during busy summer weekends. To prevent trespassing on private property, the MacGregor Ranch erected fences on both sides of the access road, for a distance of $\frac{1}{3}$ -mile from the trailhead. The width between the fences does not permit 2-way traffic. On busy summer weekends, parking is occurring on Devils Gulch Road, $\frac{3}{4}$ -mile from the trailhead.

Since 1980, the NPS has been considering the relocation of the Twin Owls trailhead and parking lot and creating a combined Twin Owls and Gem Lake trailhead. In 1983 RMNP acquired a 10.04-acre parcel and a 1.48-acre parcel at the east end of the MacGregor Ranch for this purpose. Over the years several other alternatives have been developed and evaluated by RMNP, the MacGregor Ranch and private landowners with additional input from the public. Two previous Environmental Assessments (EAs) were prepared that focused solely on the relocation of the Twin Owls and Gem Lake trailheads. These EAs evaluated a range of alternatives and were released for public review in 1986 and 2000. The alternatives proposed in these earlier EAs did not fully address the concerns that were raised by the public, and no final decision was made regarding the future of the Twin Owls and Gem Lake trailheads.

Since the release of the second EA in June 2000, there have been additional discussions between RMNP staff, the MacGregor Ranch, neighboring landowners and other interested parties. Four potential sites for the location of a new trailhead and parking lot emerged from these discussions. In addition, the MacGregor Ranch proposed a land exchange between RMNP and the ranch and a realignment of the Black Canyon Trail for the purpose of consolidating ranch functions on lands owned by the Ranch, and park functions on lands owned by the park.

On March 15, 2002, a third EA was released for public review. The EA was available for public review and comment for sixty-six (66) days. The EA included four alternatives plus a “No Action” alternative. A preferred alternative was identified in the EA. All four action alternatives included an associated land exchange that would secure the land needed for a parking lot and access road, and help to separate ranch and park functions. The acreages included in the proposed land exchange varied depending on the parking lot alternative. For example, to implement the preferred alternative, it was proposed that the MacGregor Ranch would transfer 115 acres in five parcels to RMNP, and the park would transfer 79 acres in 2 parcels to the MacGregor Ranch. The EA also included a proposal to realign the Black Canyon Trail and place it entirely on park land.

In the cover letter that accompanied the release of the EA to the public, the park specifically asked for comments on three separate items:

- The proposed relocation of the Twin Owls and Gem Lake parking lots
- The proposed land exchange
- The proposed relocation of the Black Canyon Trail.

During the review and comment period, three additional proposals were presented by the public and received public support. Two of these alternatives were presented at a public meeting that was held in Estes Park on April 11, 2002. One of the alternatives was presented in a letter to the editor that was published in the Estes Park Trail-Gazette during the public comment period.

RMNP received 108 responses in the form of letters, via facsimiles and e-mail. Ninety-four (94) respondents expressed an opinion about one of the alternatives presented in the EA, or one of the alternatives developed during the review period. All of the alternatives and all of the comments were carefully considered during the preparation of this Finding Of No Significant Impact (FONSI).

Public Response to the Alternatives Presented in the Environmental Assessment

Alternative	Respondents supporting the Alternative	Percent (of those expressing a preference)
1 – (Preferred) Consolidate the Twin Owls and Gem Lake trailheads and construct a parking lot for 80 to 100 vehicles at the east end of the MacGregor ranch.	28	30
2 – Consolidate the Twin Owls and Gem Lake trailheads on the north side of Devils gulch Road about 1500 feet east of the entrance to the MacGregor Ranch and construct a parking lot for 80 to 100 vehicles.	0	0
3 – Consolidate the Twin Owls and Gem Lake trailheads on the north side of Devils gulch road at the entrance to the MacGregor Ranch and construct a parking lot for 80 to 100 vehicles	0	0
4 – Relocate the Twin Owls trailhead one mile west of its present location and construct a parking lot for 80 to 100 vehicles	9	10
5 –(No Action) Retain the Twin Owls and Gem Lake trailheads and parking lots at their present location	35	37

Public Response to New Alternatives

Alternative	Respondents supporting the Alternative	Percent (of those expressing a preference)
5A – Enlarge the existing Twin Owls parking lot and secure 2-lane access to the parking lot (This was an alternative in a previous EA).	15	16
6 – Close Twin Owls parking lot. Retain Gem Lake parking lot. Develop a smaller parking lot at the main entrance to the MacGregor Ranch and at the west end of the MacGregor Ranch. Allow foot, bicycle and horse traffic to use the access road through the ranch to reach the Twin Owls trailhead.	4	4
7 – Close Twin Owls parking lot. Retain Gem Lake parking lot for use by horse trailers. Develop a small parking lot at the main entrance to the MacGregor Ranch. Allow foot traffic to use the access road through the ranch to reach the Twin Owls trailhead. Develop a small parking lot just north of Devils Gulch Road at the east end of the MacGregor Ranch. Construct a connecting trail from this parking lot to the Gem Lake Trail.	3	3
Totals	94	100

Of the 108 comments received, 26 respondents expressed an opinion about the land exchange.

Public Response to the Proposed Land Exchange

Alternative	Respondents supporting the Alternative	Percent (of those expressing a preference)
Support the proposed land exchange	18	69
Oppose the proposed land exchange	8	31
Totals	26	100

Of the 108 comments received, 36 expressed an opinion about the proposal to realign the Black Canyon Trail.

Public Response to the Proposed Black Canyon Trail realignment

Alternative	Respondents supporting the Alternative	Percent (of those expressing a preference)
Support the proposed trail realignment	2	6
Oppose the proposed trail realignment	34	94
Totals	36	100

After reviewing the public comments, it was evident that there was very little support for the relocation of the Black Canyon Trail. It was also evident that the public wanted to minimize the acreage to be transferred from RMNP to the MacGregor Ranch. Therefore, park management decided to reduce the scope of the proposed land exchange so that the park would acquire from the MacGregor Ranch only the acreage needed for the new parking lot. In exchange, the park would transfer to the Ranch only the minimum acreage needed to achieve an equal value exchange.

After a careful review of public comments, anticipated resource and visitor impacts, impacts to the MacGregor Ranch and nearby landowners, the preferred alternative (Alternative 1) is selected for implementation with the following provisions:

- A minor boundary revision and a land exchange between RMNP and the MacGregor Ranch would be completed using existing NPS authority (110 Stat. 4093). RMNP will exchange to the MacGregor Ranch only the acreage needed to secure adequate additional land for the proposed parking lot and the access road leading to the parking lot. This will be an equal value land exchange and is anticipated to involve 5.9 acres of MacGregor Ranch land in three separate parcels. One of the three parcels can be developed with a single-family residence, and its appraised value is expected to be high. In exchange for these three parcels, RMNP would transfer to the MacGregor Ranch up to 70 acres of land, including an irrigated hay meadow, located in the Black Canyon area of the park.
- A conservation easement would be placed on all RMNP land that is transferred to the MacGregor Ranch. The purpose of the conservation easement would be to preserve the natural and cultural resources on the property.
- The Twin Owls and Gem Lake parking lots would be relocated to the east end of the ranch. A parking lot for 80 to 100 vehicles would be constructed at the north edge of a 10-acre parcel the park acquired from the ranch in 1983. A portion of the parking lot would be located on park property, and a portion would be located on a 2.5-acre parcel that RMNP would acquire from the MacGregor Ranch as part of the land exchange.
- Site facilities would include a vault toilet, trailhead bulletin board and fencing to discourage trespassing on adjacent private land.
- A paved access road, about 1/3-mile long, will be constructed from Devils Gulch Road to the new parking lot.
- A new 0.7-mile trail will be constructed to connect the new parking lot to the Twin Owls area. The trail will be constructed in a right-of-way RMNP acquired from the MacGregor Ranch in 1983. Some minor adjustments will be made to the trail alignment. A new right-of-way will be secured from the MacGregor Ranch where the trail deviates from the existing right-of-way.
- The Black Canyon Trail will not be realigned as proposed in the EA. Depending on the location of the boundaries of the RMNP parcel to be transferred to the MacGregor Ranch, a portion of the Black Canyon Trail may be relocated to separate ranch functions from park functions.
- Where needed, a new 3-strand fence (two strands of barbed with a smooth strand on top) would be built between the MacGregor Ranch and the park to exclude cattle from the park.
- The current Twin Owls parking lot would be closed and restored to natural conditions. The existing water fountain would remain and a telephone for emergency use would be installed.
- The access road to the Twin Owls parking lot would be closed to the general public. The NPS would retain access and some parking for emergency operations and for the seasonal residence at Twin Owls.

- If requested by the affected landowners, the Gem Lake parking area and the first 1/3-mile of the Gem Lake Trail (where it crosses private property) will be closed and restored to natural conditions.
- The mitigation measures for Alternative 1, as described in the attached Exhibit “A”, will be implemented.

Reference may be made to the Environmental Assessment for the Relocation of the Twin Owls & Gem Lake Trailheads in Rocky Mountain National Park, dated March 2002. Comments received during the public review period did not result in factual changes to the EA.

Alternative 1 and the provisions stated above minimizes environmental impacts to RMNP, MacGregor Ranch and nearby landowners. No other alternative met all of the objectives as stated in Chapter 1 of the 2002 EA. This alternative, with the provisions stated above (including implementation of mitigation measures), results in negligible to minor impacts. Thirty percent (30%) of the responses received during the public comment period supported this alternative.

Concerns identified during scoping and public review, and evaluated in the EA include impacts to soils, topography and geology, vegetation, natural soundscape and night sky, aquatic, wetland, riparian communities and floodplains, endangered, threatened and rare species, wildlife, wilderness, air quality, cultural resources, socioeconomic resources, visitor use, park operations and nearby landowners.

ENVIRONMENTALLY PREFERRED ALTERNATIVE (ALTERNATIVE 1)

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act (NEPA) of 1969, which is guided by the Council of Environmental Quality (CEQ). The CEQ provides direction that the environmentally preferable alternative is the alternative “that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural and natural resources.” As expressed in NEPA’s Section 101, “it is the continuing responsibility of the Federal Government to:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- Preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choices;
- Achieve a balance between population and resource use that will permit high standards of living and wide sharing of life’s amenities; and
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.”

The Environmentally Preferred Alternative is based on these national environmental policy goals; simply put, “this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources” (NPS 2001b:23).

The environmentally preferred alternative is the same as the preferred alternative (Alternative 1). This alternative meets the environmental policy goals as follows:

- *Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations*

Achieved	Not Achieved
<ul style="list-style-type: none"> - Preserves the integrity of the MacGregor Ranch, which is listed on the National Register of Historic Places and where the National Park Service holds a conservation easement. - Removes the impact of the current Twin Owls parking lot 	<ul style="list-style-type: none"> - Temporary and long-term disturbances to presently undisturbed natural resources and to nearby landowners. With the proposed mitigation strategies in place, these disturbances are considered negligible to minor long-term impacts.

- *Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings*

Achieved	Not Achieved
<ul style="list-style-type: none"> - The parking lot will accommodate anticipated traffic demand in a safe manner and provide space for vehicles pulling trailers. - Vehicular traffic and parking is removed from the heart of the MacGregor Ranch, thus restoring the aesthetics and the cultural landscape of the ranch. - The parking lot will not be visible from nearby homes. 	<ul style="list-style-type: none"> - The access road will have a visual impact on nearby landowners. With implementation of the mitigation measures this impact is considered minor. The State Historic Preservation Officer has determined that implementation of the preferred alternative will not have an adverse impact on nearby historic summer homes.

- *Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences*

Achieved	Not Achieved
<ul style="list-style-type: none"> - The preferred alternative achieves a beneficial use of the environment without significant degradation or impairment of natural resources. - The preferred alternative will provide enhanced safety for park visitors. - The preferred alternative will not impose health or safety risks to nearby landowners. - The MacGregor Ranch Trustees support this alternative. The Federal Government does not have to undertake the undesirable step of exercising its power of condemnation. 	<ul style="list-style-type: none"> - With the implementation of the mitigation strategies, there will be negligible to minor impacts to nearby landowners. Impacts relate to visual intrusion and noise from the access road that leads to the parking lot.

- *Preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choices*

Achieved	Not Achieved
<ul style="list-style-type: none"> - The preferred alternative will enhance the preservation of important historic and cultural resources on the MacGregor Ranch, which is listed on the National Register of Historic Places. - The preferred alternative provides access to RMNP and supports a diversity and variety of individual choices. 	<ul style="list-style-type: none"> - The preferred alternative will lengthen the approach time to rock climbing routes located at the west end of Lumpy Ridge. - The Twin Owls parking lot will not be available for sightseeing except on foot. - Gentle portions of the Black Canyon Trail will not be accessible for disabled visitors.

- *Achieve a balance between population and resource use that will permit high standards of living and wide sharing of life's amenities.*

Achieved	Not Achieved
<ul style="list-style-type: none"> - Access to RMNP will continue to be available. - Adequate parking will enable more visitors to enjoy the park. 	<ul style="list-style-type: none"> - The preferred alternative will lengthen the approach time to rock climbing routes located at the west end of Lumpy Ridge. - The Twin Owls parking lot will not be available for sightseeing except on foot. - Gentle portions of the Black Canyon Trail will not be accessible for disabled visitors.

- *Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.*

Achieved	Not Achieved
<ul style="list-style-type: none"> - Disturbed areas will be replanted following construction and additional trees and shrubs will be planted to provide a noise and visual buffer. Replanting will minimize soil erosion and the spread of noxious weeds. 	<ul style="list-style-type: none"> - During construction, there will be a negligible loss of depletable resources.

Of all the alternatives considered, the Preferred Alternative best meets the national environmental policy goals while achieving the purposes and objectives of this proposal, which are to:

1. Protect natural and cultural resources
2. Provide for visitor enjoyment and safety
3. Minimize impacts to nearby landowners
4. Improve the efficiency of park operations

After careful review, developing a parking lot as described in Alternative 1 with implementation of the mitigating measures as described in the attached Exhibit "A", will not result in any significant environmental impacts to RMNP, the MacGregor Ranch, nearby landowners or park visitors. These impacts would not impair park resources or values.

The other alternatives discussed below had varying degrees of impacts to either the park, MacGregor Ranch, nearby landowners or park visitors.

OTHER ALTERNATIVES CONSIDERED IN THE EA AND RECOMMENDED DURING THE PUBLIC REVIEW

Alternative 2 – Consolidate the Twin Owls and Gem Lake trailheads on the north side of Devils Gulch Road approximately 1500 feet east of the entrance to the MacGregor Ranch and construct a parking lot for 80 to 100 vehicles.

This alternative would have improved the safety of park visitors and MacGregor Ranch visitors, and provided adequate parking capacity for park visitors. The access road would have been shorter than that required for Alternative 1, which minimizes the impact of the road on natural and visual resources. By eliminating the existing parking lot and access road, cultural resources at the MacGregor Ranch would have been protected. By eliminating the Gem Lake parking lot and connecting trail, natural resources and visual resources would have been restored. Undesirable consequences can be avoided because the Federal Government does not have to exercise its powers of condemnation to implement this alternative.

This alternative would have had a larger visual impact than Alternative 1 because it would have been built in an open meadow not far from Devils Gulch Road. The hiking distance to Twin Owls would be 1.2 miles, which would be a significant inconvenience for rock climbers. The trail would have impacted nearby landowners. Because the 10.04-acre and 1.48-acre parcels currently owned by the NPS would have reverted to the MacGregor Ranch with the possibility of being sold, there could have been additional impacts to nearby landowners from residential development.

Alternative 2 did not meet the provisions of the environmental policy goals, and there was no public support for this alternative.

Alternative 3 – Consolidate the Twin Owls and Gem Lake trailheads on the north side of Devils Gulch Road at the entrance to the MacGregor Ranch and construct a parking lot for 80 to 100 vehicles.

This alternative would have improved the safety of park visitors and MacGregor Ranch visitors, and provided adequate parking capacity for park visitors. No new access road would have been required for this alternative, minimizing the impact of road construction. By eliminating the existing parking lot and access road, cultural resources at the MacGregor Ranch would have been protected. The proposed parking lot would have been a significant visual intrusion at the main entrance to the MacGregor Ranch and would have impacted several landowners that use the MacGregor Ranch road for access to their homes. Because the MacGregor Ranch would not permit foot traffic along the access road to Twin Owls, a 1.5-mile connecting trail would be required. The connecting trail would create a significant inconvenience for rock climbers, and would impact year-round and seasonal homes. The Gem Lake parking lot and connecting trail could not be eliminated, so impacts to natural and scenic resources would continue. Because the MacGregor Ranch does not support this alternative, the Federal Government would have to exercise its power of condemnation to implement this alternative. It is very unlikely that Congress would support the use of condemnation in this instance, and without the appropriate authorization and appropriation of funds by Congress, a condemnation could not proceed. Because the 10.04-acre and 1.48-acre parcels currently owned by the NPS would have reverted to the MacGregor Ranch with the possibility of being sold, there could have been additional impacts to nearby landowners from residential development.

Alternative 3 did not fully meet the provisions of the environmental policy goals and there was no public support for this alternative.

Alternative 4 - Relocate the Twin Owls trailhead one mile west of its present location and construct a parking lot for 80 to 100 vehicles

This alternative improved the safety of park visitors and MacGregor Ranch visitors, and provided adequate parking capacity for park visitors. A 1.35-mile, two-lane access road would have been required for this alternative, which would have impacted natural and visual resources at a much larger scale than Alternative 1. The access road would have created other impacts to ranch operations and educational facilities. This alternative would not impact adjacent landowners except for the MacGregor Ranch. Because the MacGregor Ranch is opposed to this alternative, the Federal Government would have to exercise its power of condemnation to implement this alternative. It is very unlikely that Congress would support the use of condemnation in this instance, and without the appropriate authorization and appropriation of funds by Congress, a condemnation could not proceed. This alternative would have resulted in both temporary and long-term disturbances to presently undisturbed natural resources. Because the 10.04-acre and 1.48-acre parcels currently owned by the NPS would have reverted to the MacGregor Ranch with the possibility of being sold, there could have been additional impacts to nearby landowners from residential development.

Alternative 4 did not fully meet the provisions of the environmental policy goals and there was limited public support for this alternative (only 10% of respondents favored this alternative).

Alternative 5 (No Action)

This alternative did nothing to improve the safety of park and MacGregor Ranch visitors, it did not provide adequate parking capacity for park visitors, or address traffic congestion, lack of parking for vehicles pulling trailers, or the lack of turn around space for vehicles. This alternative did protect natural resources because there would be no new construction. Adverse impacts to cultural resources and the visitor experience at the MacGregor Ranch would have continued to occur. This alternative did not impact adjacent landowners except for the MacGregor Ranch. The Gem Lake parking lot and connecting trail could not be eliminated, so impacts to natural and scenic resources would have continued. Although this alternative received the most support (37% of respondents), it does not meet the provisions of the environmental policy goals, nor does it fulfill the purposes and objectives that were stated in the EA.

OTHER ALTERNATIVES CONSIDERED DURING THE PUBLIC REVIEW BUT REJECTED AFTER CAREFUL CONSIDERATION

Alternative 5A -- Enlarge the existing Twin Owls parking lot and secure 2-lane access to the parking lot (This was similar to an alternative in a previous EA).

This alternative would improve park visitor safety by providing adequate access, adequate parking and turn-around space. This alternative would not protect visual resources because there would be new construction at the existing parking lot. There would continue to be adverse impacts to cultural resources at the MacGregor Ranch and impacts on visitor experience at the ranch. Because the MacGregor Ranch is opposed to this alternative, the Federal Government would have to exercise its power of condemnation to implement this alternative. It is very unlikely that Congress would support the use of condemnation in this instance, and without the appropriate authorization and appropriation of funds by Congress, a condemnation could not proceed. This alternative would

negatively impact the MacGregor Ranch, but not nearby landowners. The Gem Lake parking lot and connecting trail could not be eliminated, so impacts to natural and scenic resources would have continued. Although this alternative did receive support from 16% of the respondents, it does not fully meet the provisions of the environmental policy goals, nor does it meet the purposes and objectives that were stated in the EA.

Alternative 6 -- Close Twin Owls parking lot. Retain Gem Lake parking lot. Develop 2 smaller parking lots, one at the main entrance to the MacGregor Ranch and the other at the west end of the ranch. Allow foot, bicycle and horse traffic to use the access road through the ranch to reach the Twin Owls trailhead.

By eliminating the existing parking lot and access road, cultural resources in the historic core of the MacGregor Ranch would have been protected from vehicular traffic. A parking lot at the main entrance of the MacGregor Ranch would impact scenic resources and the cultural landscape. The parking lot at the west end of the ranch and the 1.35-mile access road would also impact ranch operations and the cultural landscape. Because the MacGregor Ranch opposes this alternative, the Federal Government would have had to exercise its powers of condemnation to implement this alternative. It is very unlikely that Congress would support the use of condemnation in this instance, and without the appropriate authorization and appropriation of funds by Congress, a condemnation could not proceed. The Gem Lake parking lot and connecting trail could not be eliminated, so impacts to natural and scenic resources would have continued. Although this alternative did receive limited support (4% of respondents), it does not fully meet the provisions of the environmental policy goals.

Alternative 7 -- Close Twin Owls parking lot. Retain Gem Lake parking lot for use by horse trailers. Develop a small parking lot at the main entrance to the MacGregor Ranch. Allow foot traffic to use the access road through the ranch to reach the Twin Owls trailhead. Construct a small parking lot just north of Devils Gulch Road at the east end of the MacGregor Ranch. Construct a connecting trail from this parking lot to the Gem Lake Trail.

By eliminating the existing parking lot and access road, vehicle traffic would be eliminated from the historic core of the MacGregor Ranch but foot traffic would continue. The Gem Lake parking lot and connecting trail would remain, impacting nearby landowners. A new right-of-way would be required for the trail connection to the Gem Lake trail. Because the MacGregor Ranch is opposed to this alternative, the Federal Government would have to exercise its powers of condemnation. It is very unlikely that Congress would support the use of condemnation in this instance, and without the appropriate authorization and appropriation of funds by Congress, a condemnation could not proceed. This alternative would have resulted in environmental impacts and temporary and long-term disturbances to presently undisturbed natural resources and to nearby landowners. This alternative would result in larger visual impact than Alternative 1 because two parking lots would have been built in an open meadow adjacent to Devils Gulch Road.

This alternative did not fully meet the provisions of the environmental policy goals.

WHY THE PREFERRED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse

There will be a net benefit to environmental resources with the closing of the Twin Owls and Gem Lake parking lots and consolidating them into one parking area, especially for hawks and falcons that nest in the vicinity of the Twin Owls rock formation. The MacGregor Ranch will benefit from closing the Twin Owls parking lot and there will also be a benefit to those landowners living near the Gem Lake trailhead parking lot. Landowners living near the new parking lot and access road will experience short and long-term impacts, but with mitigating measures and construction stipulations implemented, the impacts are considered minor. No significant adverse effects to natural, cultural or socioeconomic resources were identified for the preferred alternative. Impacts of other alternatives varied and are described in the EA.

Degree of effect on public health or safety

Consolidating the Twin Owl and Gem Lake parking lots at a new location will enhance visitor safety. There have been recorded minor accidents at the Twin Owls parking lot because of the narrow access road and a parking lot that lacks turn around and passing space.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

As described in the EA, no significant effects to natural or cultural resources were identified for the preferred alternative. MacGregor Ranch owns prime grazing pastures for livestock, but there are no prime agricultural farmlands, wetlands, wild and scenic rivers, or ecologically critical areas that will be adversely affected from implementing the preferred alternative. That this action will occur within a national park does not, in this circumstance, elevate insignificant impacts to a level of significance requiring a more detailed environmental impact statement.

Degree to which effects on the quality of the human environment are likely to be highly controversial

This EA as well as two previous EAs generated local interest and concerns from nearby landowners, the MacGregor Ranch, hikers and climbers. On March 15, 2002, the current EA was released for public review. The EA was available for public review and comment for sixty-six (66) days, which provided an opportunity for public input on the alternatives. Rocky Mountain National Park received 108 responses in the form of letters, via facsimiles and e-mail. Of this total, 94 expressed an opinion about one of the alternatives. The most significant concerns expressed by the respondents were:

1. Increased time required to reach climbing destinations at the west end of Lumpy Ridge, and safety concerns related to increased exposure to lightening if climbers got a later start.
2. Effects on nearby landowners from noise, dust, and visual impacts.
3. Closure of the Twin Owls parking lot would eliminate a sightseeing location that is easily accessible by automobile throughout the year.
4. Closure of the Twin Owls parking lot would eliminate access to a portion of the Black Canyon Trail that is currently available to disabled visitors. The proposed parking lot and connecting trail do not provide that opportunity.

Despite these concerns, the EA concludes that there are no highly controversial effects on the quality of the human environment. The EA adequately discloses the environmental consequences of each action. Alternative 1 (the Preferred Alternative) provides the best balance among all interested parties.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

As described in the EA and in this FONSI, the preferred alternative does not have any significant adverse effects on natural resources in the park or MacGregor Ranch. No highly uncertain or unique or unknown risks were identified in the EA or in the public comments.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

Implementing the preferred alternative would allow for consolidating the Twin Owls and Gem Lake parking lots and provide more parking space. The conflicts that have been ongoing for many years between the park, MacGregor Ranch and park visitors that use that area of the park will be resolved. The preferred alternative will not influence management decisions regarding the rest of the park nor influence decisions that are made in other parks. This FONSI will not set a precedent for future actions with significant effects, nor does it represent a decision in principle about any future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

Closing Twin Owls and Gem Lake parking lots and building a new consolidated parking lot may cause a minor shift in visitor use. It is anticipated that visitation to Gem Lake will increase while use at the west end of Lumpy Ridge may decrease. Climbing use may decrease in some areas because some climbers may not want to walk 0.7 mile further to the popular Twin Owls rock formation or areas to the west of Twin Owls. It is anticipated that climbing use will increase in areas east of the Twin Owls rock formation. This shift in use would have a negligible to minor indirect and cumulative impact on natural resources in some areas of the park. Other areas of the park will benefit from less use. The shift in visitor use will have a negligible to minor indirect and cumulative impact on visitor use. The preferred alternative will benefit the park, MacGregor Ranch and park visitors. It will however have a minor but not cumulatively significant impact to landowners in the vicinity of the new parking lot.

Any potential cumulative impacts to the park are not considered significant. No other cumulative impacts have been identified in the EA or from the public comments.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Implementing the preferred alternative will benefit the MacGregor Ranch Historic District (5LR807) and the Twin Owls Seasonal Ranger Residence (HS-2, 5LR9646), which are listed on the National Register of Historic Places. The Colorado State Historic Preservation Officer (SHPO) concurs that building the new parking lot and access road as described in Alternative 1 will have no adverse effect on any adjacent landowner whose property is eligible for national

register listing. There is no potential or actual destruction of significant scientific, cultural or historical resources from implementation of the preferred alternative.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

There are presently no known endangered or threatened species or designated critical habitat in the area of the new parking lot, and consequently there would be no negative adverse effect on threatened or endangered species.

Whether the action threatens a violation of Federal, state, or local environmental protection law

The EA and public comments identified no federal, state, or local environmental protection laws that would be violated by the implementation of the preferred alternative.

Impairment

In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the preferred alternative will not constitute an impairment to Rocky Mountain National Park's resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the Environmental Assessment for the Relocation of the Twin Owls & Gem Lake Trailheads, the public comments received, relevant scientific studies, and the professional judgement of the decision-maker guided by NPS *Management Policies* (December 27, 2000). Although the preferred alternative has minor negative impacts to nearby landowners, in all cases these impacts are the result of actions taken to minimize environmental impacts within the park, the MacGregor Ranch and other neighbors. By acquiring additional land from MacGregor Ranch, the park can take advantage of topography, rock outcrops and vegetation to design the access road and new parking lot and minimize impacts to nearby landowners.

The preferred alternative will restore the wilderness experience for park visitors in the vicinity of the Twin Owls rock formation. Wildlife and their habitat will benefit particularly in the open meadow at the base of Lumpy Ridge near Twin Owls and in open meadows at the west end of Lumpy Ridge. Overall, the implementation of the preferred alternative results in benefits to the park, park visitors and MacGregor Ranch resources and values, and opportunities for their enjoyment with no impairment. The new consolidated parking lot benefits landowners near the existing Gem Lake trailhead, but does not benefit landowners near the new parking lot or access road.

PUBLIC INVOLVEMENT

The park Superintendent and members of the park staff met with MacGregor Ranch staff and the general public and nearby landowners a number of times since 1986 in order to find an alternative that would be satisfactory to all interested parties. Park staff also attended meetings hosted by rock climbers to gather information to be used in formulating alternatives, and to inform them about the alternatives being considered. Despite efforts by special interest groups to generate local, regional and national interest, the number of responses (108) was not overwhelming. The EA and the deadline for public comments were reported in the Estes Park Trail-Gazette. The EA was available for public review and comment for sixty-six (66) days.

A large percentage of the public that commented on the EA were climbers (43%) with an almost even split between those climbers that favored the preferred alternative (33%) and those that favored the no action alternative (35%). Of the total comments received, about 10% were from nearby landowners and they were evenly split between Alternatives 1,4,5 and 6. No one favored Alternatives 2 or 3. There was overwhelming opposition to the realignment of the Black Canyon Trail. Twenty-six (26) respondents commented on the proposed land exchange, with 69% in favor of a land exchange and 31% opposed.

No comments expressed by the public and agencies resulted in changes to the text of the environmental assessment. All comments warranting an NPS response are addressed in the *Response to Substantive Comments* attached to this FONSI. A copy of the FONSI will be sent to everyone that submitted a comment. The final EA along with the FONSI will be available upon request.

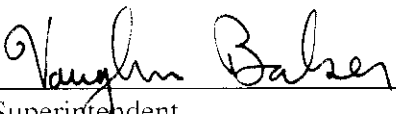
CONCLUSION

The preferred alternative does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS). The preferred alternative will not have a significant effect on the human environment. With implementation of the Mitigation Measures as described in Exhibit "A", negative environmental impacts that could occur are negligible to minor. There are no unmitigated adverse impacts on public health, public safety, threatened or endangered species, sites or districts listed or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, known cumulative effects or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

The preferred alternative (Alternative 1) will be implemented starting in 2003

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended:


Superintendent

2-11-03
Date

Approved:


Intermountain Regional Director

2-19-03
Date

Response to Substantive Public Comments for the Relocation of the Twin Owls & Gem Lake Trailheads In Rocky Mountain National Park

Comments received during the 66-day public comment period centered on the following topics: Impacts to the MacGregor Ranch, nearby landowners, one concessionaire, hikers and climbers. Little input was received on impacts to park natural and cultural resources.

None of the following comments resulted in changes to the text of the Environmental Assessment (EA).

Public Comments:

1. *It is our opinion that balance and compromise are the keys to resolving this situation; unfortunately we find little of either in the Alternatives proposed in this EA.*

We disagree. Since the need to relocate the Twin Owls parking lot was identified in 1980, numerous alternatives have been explored and made available for public review and comment in various EAs. The site of the Preferred Alternative has been evaluated several times over the course of 20+ years, and substantial changes and compromises have been made to the location and design of the parking lot and access road. Numerous mitigation strategies have been incorporated into the latest design in order to minimize impacts to nearby landowners. While there does not appear to be a “win-win” solution to the situation, we believe the Preferred Alternative best achieves the purpose and need for action as described in the EA.

2. *Access issues affecting our commercial operation are not addressed anywhere in this EA.*

We disagree. Providing adequate and safe access for all users was an important issue discussed throughout the entire process of developing the earlier EAs, and the 2002 EA. Because of concerns expressed by the public regarding the realignment of the Black Canyon Trail, only a limited portion of the trail may be realigned to move the trail off the NPS land that will be transferred to the Ranch as part of the land exchange. The connecting trail from the parking lot to Lumpy Ridge is 0.7 mile long and will add 20 minutes (each way) to popular climbing destinations at the west end of Lumpy Ridge. Access will continue to be provided, and the increased time and distance is not considered a significant impact. If a new parking lot had been built at the entrance to the MacGregor Ranch, and if foot traffic was permitted through the ranch, hiking time would have been only marginally shorter than that required for the preferred alternative.

3. *It is our strongly held belief that the effects of Alternative 1,2, and 3 on our clientele and business are being downplayed and underestimated...it will impact the experience of many out of state visitors not yet acclimated to the altitude or who do not have the luxury to hike in the outdoors on a regular basis.*

We do not believe the extra hiking distance will jeopardize the physical ability of rock climbers; even those that come from lower elevation areas. We believe the impact to clients is an issue of convenience rather than physical limitations.

4. *Upon physically identifying the site of the proposed new parking lot, I find that I cannot support the destruction of that scenic and peaceful location and therefore I oppose this aspect of Alternative 1.*

The proposed new parking lot is indeed located in a scenic and peaceful location. However, the location best meets the purpose and objectives discussed in the EA, and natural rock formations will help to screen the parking lot from neighboring properties. Closing the Twin Owls parking lot and restoring the area to natural conditions will benefit the open vista beneath the scenic Twin Owls rock formation. Wildlife, and especially raptors, will benefit from the closure of the Twin Owls parking lot, which will help to offset the impacts that will occur at the new location.

5. *The disruption of our quiet neighborhood through all phases of construction and by the comings and goings of hundreds of vehicles daily during the summer months would be a major distraction if Alternative 1 were approved.*

We agree that there will be impacts to nearby landowners. However, RMNP will be incurring considerable expenses in order to mitigate the impacts to nearby landowners. All of the adjacent residences are occupied on a seasonal basis. Construction will take place during the fall, winter or spring when the seasonal residences are not occupied. By acquiring 6.5 to 9 additional acres of land from MacGregor Ranch the parking lot can be moved further north to take advantage of rock outcrops and better utilize topography and vegetation to screen the parking lot from view. The land exchange will allow for better placement of the access road. With the implementation of the mitigating measures outlined in Exhibit "A", we consider the impacts to nearby landowners to be a minor, but long-term impact.

6. *MacGregor Ranch employees have been slaughtering Wyoming ground squirrels for years. They shoot them from their vehicles, which is illegal. When hikers in the area reported them to the DOW officer recently, they admitted to shooting from their vehicles and said they had no intention of quitting, that it is their right to do anything they want to do on their property.*

We are also concerned about MacGregor ranch's killing of ground squirrels and agree with your comment. We will have a requirement in any conservation easement related to the land exchange that MacGregor Ranch will protect ground squirrels. While management of the remainder of the Ranch is outside our purview, we will continue to discuss the benefits of protecting ground squirrels with the MacGregor Ranch.

7. *I'm aware that in this EA you are proposing to move the parking lot to the top of the 10-acre parcel but this does nothing to alter the traffic flow through the existing residential area, and like the previous EA's it makes no attempt to deal with probable future expansion requirements.*

As previously mentioned the land exchange will take advantage of topography and vegetation to minimize impacts to nearby landowners. There are no plans for future expansion of the parking lot. There are several instances in RMNP where the NPS has made a conscious decision to not expand a parking lot so that there is a limit placed on public use.

8. *Essentially the land exchange is a proposal to swap good bottomland and meadow adjacent to Black Canyon Creek for acreage on a steep, rocky, hillside. I can see why the Ranch would like to make this exchange but I fail to see a comparable benefit to the Park. . . . There are other animals besides cattle that require grazing land and water. . . . I would strongly recommend that the Park retain this land.*

We agree, and after careful evaluation of the environmental consequences of the land exchange we do not plan to fully implement the land exchange as discussed in the EA. We will exchange only the minimum land necessary (up to a maximum of 70 acres) to acquire the MacGregor Ranch parcels

needed to construct the parking lot and access road. The lands to be exchanged must be of equal value. The total acreage to be exchanged will be determined by the assessed monetary value of the ranch and NPS land.

9. *What may be needed is a court judgement to define the width of the . . . road leading up to the existing Twin Owls parking lot. The Park has been negligent in its duties in not applying to the courts for a judgement on the width of this road and Park visitors have suffered as a result of this neglect. The road only became a one-lane road when MacGregor Ranch put up its confining fence.*

The MacGregor Ranch owns the road through the ranch, not the NPS. RMNP never intended to secure access to the Twin Owls parking lot or it would have done so when the NPS acquired the conservation easement from the MacGregor Ranch in 1983. Expanding the width of the road was discussed in a previous EA that was released in 2000, and was proposed again during the public comment period for the current EA. Because the Ranch is opposed to widening the road, the Federal Government would have to exercise its powers of condemnation. It is very unlikely that Congress would support the use of condemnation in this instance. Without the appropriate authorization and appropriation of funds by Congress, a condemnation could not proceed.

The road has always been a one-lane road and does not meet the width requirement for a two-lane road. Vehicles traveling in opposite directions could only pass by driving off the road onto adjacent vegetation or bare ground. MacGregor Ranch built the fences to try and protect adjacent vegetation on private property and to prevent illegal off-road parking that the park had no authority to enforce.

10. *Despite the statistics supplied by the ranch and so readily accepted by the Park, educational activities conducted on the ranch are very limited, are seasonal, and occur only during four or five weeks out of the year.*

Even if the use statistics supplied by the MacGregor Ranch are as described by the commentor, the Ranch fulfills a valuable educational need that is not fulfilled elsewhere. RMNP supports the mission of the MacGregor Ranch. As stated in the EA, the Purpose and Need for the relocation of the Twin Owls and Gem Lake trailheads included the following:

- Protect the National Register status of the MacGregor Ranch.
- Preserve the ranch's scenic qualities and historic ambiance.
- Assist the MacGregor Ranch Trustees to achieve their vision of operating the Ranch as it was 100 years ago. To accomplish this vision, modern intrusions must be removed from the MacGregor Ranch Museum area.

No opportunity appears to exist where these objectives can be met without removing vehicular traffic from the museum area of the ranch.

11. *The proposal to transfer the 10-acre and the 1.48-acre parcels to the ranch without the protection of a conservation easement so that the ranch can earn money by selling them for residential development is highly hypocritical and, I suspect, an attempt to intimidate the adjacent property owners who object to a parking lot and access road as near neighbors. . . . Now you are proposing to encourage development on these two pieces of property within the Park boundary that were acquired with taxpayer dollars! And you would do this despite the fact that the adjacent property owners have repeatedly and publicly offered to purchase these properties from the Park at a fair price and place conservation easements on them.*

We have chosen to implement the preferred alternative. These two parcels will be retained by RMNP.

12. *It should also be born in mind that the impressive array of disadvantages listed as justification for wanting to move the parking lot and its access road away from the core area of the ranch applies*

equally to the preferred relocation site. Here too are properties and buildings that have been listed on the National Historic Register. Here too are the same concerns about noise, dust, and vibration from passing vehicles. Here the same concerns for pedestrian safety, etc. There is one big difference, however – these properties are owner-occupied and not just historic artifacts.

We are aware that Wind Ridge is eligible for listing on the National Register of Historic Places. The access road to the proposed parking lot will be located 225 feet west of the Wind Ridge cottage. The State Historic Preservation Officer (SHPO) has determined that implementation of the preferred alternative will have no adverse effect on this historic property. While the historic MacGregor Ranch buildings are not “owner-occupied”, they do serve a “public” purpose by catering to school groups and other user groups.

- 13. Some Park users felt that an alternative plan should be developed that would involve enhancement and enlargement of the existing Twin Owls parking lot. From an environmental viewpoint this would have a severe negative impact on the MacGregor Ranch. . . . All of the runoff from the Park property, including the increased runoff resulting from the parking lot, drains to the Ranch, going down a swale that passes through the middle of the historic improvements. The Ranch is just completing a project of more than \$400,000 funded by the State of Colorado and the Ranch to repair and stabilize the grounds and buildings that have been impacted by the runoff from the swale. Of the total project, more than \$100,000 has been spent repairing damage that is directly caused by the runoff.*

We agree that runoff from the park flows through the ranch, but we do not believe that the existing parking lot is a major contributor to the volume of runoff. If the Twin Owls parking lot had been expanded, we would detain the runoff to maintain historic flows.

- 14. The preferred alternative is a much flatter site with several drainage management alternatives available.*

We agree the area around the new site is somewhat flatter than the topography in the vicinity of the Twin Owls parking lot.

- 15. Since 1970, we have personally and regularly hiked the trails from this area and also enjoyed driving there for the spectacular views and sunsets from the vehicle or short hikes, depending on the weather. . . . the proposed preferred alternative would deny us this long valued experience.*

With implementation of the preferred alternative, driving to the Twin Owls parking lot will no longer be possible. We recognize that this is one of the undesirable consequences of implementing the preferred alternative. The area can still be reached by hiking 0.7 mile from the new parking lot to the site of the Twin Owls parking lot. Because of concerns expressed by the public regarding the realignment of the Black Canyon Trail, only a limited portion of the trail may be realigned to move the trail off the NPS land that will be transferred to the Ranch as part of the land exchange.

- 16. The public has also established by continuous use “for more than twenty years” and therefore is entitled to have the road access to the park boundary kept under the “adverse possession” legal principal. Alternative 5 does not discuss this fact. Regardless of the NPS decisions on the Twin Owls parking lot, it is quite probable that suits will be filed to confirm the public’s right to continue to use this road.*

The MacGregor Ranch owns the road through the ranch. RMNP never intended to secure access to the Twin Owls parking lot or it would have done so when the NPS acquired the conservation easement from the MacGregor Ranch in 1983. At that time, RMNP purchased rights-of-way from the MacGregor Ranch for the Gem Lake Trail and the Black Canyon Trail, and could have done so for the access to Twin Owls.

Anyone has the right to use the legal system to determine if there is public access to the Twin Owls parking lot.

17. *The preferred alternative does not adequately serve the public needs and creates a significant impact to many people. This alternative is unacceptable in placing undue disturbance on the landowners of the adjacent and surrounding properties. In addition, the preferred alternative does not serve the majority of trail users by requiring extra time and effort for travel by foot to the most popular destinations.*

We do not agree that the preferred alternative will have “a significant impact to many people.” The preferred alternative will provide adequate and safe parking for park visitors, and will continue to provide hiking and climbing access to RMNP. In fact, the preferred alternative will shorten the hiking distance to Gem Lake by 1/3 mile. We have gone to great lengths to minimize the impact to adjacent landowners. For example, the parking lot will be located where it will not be visible from nearby homes, the access road and parking lot will be paved to reduce noise and dust, and berming and landscaping will be installed.

We do not plan the location of trails or trailheads to provide the shortest route to a destination. Nor do we plan trails so that the least amount of effort is expended to reach a destination. We believe that a majority of trail users will find the preferred alternative acceptable. Many individuals were notified about the EA at public meetings and through the media, and 174 copies of the EA were distributed for review and comment. We received 66 comments from individuals who are opposed to the preferred alternative, which is not a majority of trail users.

18. *Wind Ridge is eligible for listing on the National Register. It is my understanding that eligible properties shall be given equal status as registered properties when a federal project is proposed. By not offering equal status to Wind Ridge as is given the scenic qualities and historic ambiance of the MacGregor Ranch, the EA fails in fulfilling this stated purpose.*

Please refer to the response to Comment #12.

19. *The NPS is giving the impression that they are willing to relinquish their historical access along the existing road to the Twin Owls lot, even to foot traffic, to the detriment of the Park's users. This access has been used by the National Park and the public for over 50 years and should remain accessible into the future.*

Please refer to the response to Comment #16.

20. *The statement on Pg. 35 that Alternative 1 “...would result in temporary and long term disturbances to presently undisturbed natural resources and to nearby landowners” is in direct conflict with two NEPA responsibilities dealing with balance between population and resource, and preserving historic, cultural and natural aspects of our heritage.*

We agree there will be some long-term disturbances to natural resources and nearby landowners. The EA states that the impacts range from negligible to moderate, and with implementation of the Mitigation Measures outlined in Exhibit “A”, the impacts will be negligible to minor. The State Historic Preservation Officer has determined that the preferred alternative will not have an adverse effect on cultural resources, and we have determined that the effects on natural resources will not result in significant impacts. We have adhered to the provisions of NEPA.

21. *I believe that the percentage of climbers using Lumpy Ridge and the Twin Owls parking lot is underestimated and, as a result, the impact of Alternatives 1-5 to climbers is underestimated.*

Unfortunately we do not have any data on the actual number of climbers that use Lumpy Ridge. We recognize that relocating the Twin Owls trailhead will increase the amount of time it takes to reach some popular climbing routes. However, we are not denying access to the park, and we do not believe that the extra time (20 minutes each way) and distance (0.7 mile each way) will have a significant adverse impact on rock climbers, local guiding services or their clients. Of the 40 climbers who commented on the EA, 13 (33 percent) endorsed the preferred alternative.

22. *I perceive that RMNP does not consider adding 0.7 miles or more of access EACH WAY to be a significant negative impact to climber access to Lumpy Ridge. I absolutely disagree. This will significantly negatively impact usage of Lumpy Ridge, especially on the spectacular, longer routes on the west end of Lumpy Ridge.*

Please refer to the response to comment #21.

23. *The option of putting a new parking lot to the east of the Ranch will ruin the atmosphere of an entire neighborhood and likely drive down relative property value in the area as well. This option will alienate a large portion of the landowners in the area.*

With the implementation of the preferred alternative, and with the concurrence of the affected private landowners, the Gem Lake trailhead and the first 1/3 mile of the Gem Lake Trail can be eliminated. We believe that this will be a benefit to the affected landowners. We do not agree that the preferred alternative will “ruin the atmosphere of an entire neighborhood.” In fact, 3 nearby landowners endorsed the preferred alternative, and many nearby landowners who received notice of the EA did not submit comments opposing the proposal.

24. *The only solution that really solves the problem for the long term is a shuttle service from a remote lot to the current lot. Please discard all the proposed plans that don't fix the problem at all, but merely create other greater problems and postpone dealing with the real problem. Please research a lasting solution instead.*

Shuttle service was evaluated in the EA (page 34) but excluded from further consideration for the following reasons:

- Visitor demand at the Twin Owls parking lot, Gem Lake Parking lot and at the MacGregor Ranch is not sufficient to justify the expense of a shuttle bus and driver.
- To be convenient for visitors, shuttle buses would have to operate frequently. Because of the low demand, shuttle buses would often run without passengers.
- On the days the shuttle is operating, the Twin Owls parking lot would be closed to private automobiles. This would inconvenience visitors, such as rock climbers, who would prefer to get an early start before the shuttle is operating. Also, visitors could be stranded at the trailhead if they arrive back there after the shuttle has stopped running for the day.

25. *Most of the alternatives create new habitat fragmenting roads, and new visually disturbing parking lots. We suggest an alternative not mentioned. If the road to Twin Owls was left as is except for a detour to the east or west of the historic buildings and areas most used by school children, widened to two lanes in its entirety, with the Twin Owls parking increased from 30 spaces to 60 or 80 spaces, and leave the Gem Lake trailhead as is. . . . We feel that these actions would not cause as much new impact on wildlife, water quality, and historic designations as the alternatives mentioned in the EA.*

The suggested alternative was discussed in an earlier EA that was released for public review in 2000. The suggested alternative does not meet the following purposes and objectives as stated on page 4 of the current EA:

- Preserve the scenic qualities of the Lumpy Ridge area.
- Protect the National Register status of the MacGregor Ranch.
- Preserve the ranch's scenic qualities and historic ambiance.
- Assist the MacGregor Ranch Trustees to achieve their vision of operating the Ranch as it was 100 years ago. To accomplish this vision, modern intrusions must be removed from the MacGregor Ranch Museum area.
- Minimize impacts to prairie falcons, Northern goshawks and other birds of prey that nest on or near the numerous rock formations in the area.

The MacGregor Ranch has been opposed to similar ideas, and the Federal Government would have to exercise its powers of condemnation to implement this alternative. It is very unlikely that Congress would support the use of condemnation in this instance. Without the appropriate authorization and appropriation of funds by Congress, a condemnation cannot proceed.

26. *My impression of the trailhead at Twin Owls is of extremely unique irreplaceable land, and of course, one of the most spectacular views in the park. . . . The present situation provides a niche for those of us who want a quiet place, quickly accessible from town.*

We agree that the view from the Twin Owls parking lot is spectacular, but there are also many other spectacular views from other areas in the park that are easily reached by vehicle. The view from the Twin Owls area will not be lost to visitors who are willing and able to hike from the new parking lot. The water fountain and small sitting area will remain, and visitors will be able to enjoy the view without the distraction of a busy parking lot. Unfortunately, with implementation of the preferred alternative, the Twin Owls area will not be accessible to visitors by automobile.

27. *I oppose the Park's preferred alternative for several reasons. The most glaring is the proposed land swap. Trading away 70 acres of prime meadow habitat from within the boundaries of a National Park is simply wrong. The value of this parcel cannot be judged by dollars or acres. The value lies in it being the last remnant of lower elevation grassland in the Black Canyon drainage that is within park boundaries. . . . The park has plenty of rocky Ponderosa hillsides, the Park should not trade the only meadow in a valley for more.*

Please refer to the response to Comment #8.

28. *The NPS should seriously consider the lower impact of multiple parking areas instead of one huge one. . . . Please act on the side of conservation for this very precious historic and pristine mountain environment.*

We considered multiple parking areas in the current EA. For example, Alternative 3 proposed to develop a new parking lot at the main entrance to the MacGregor Ranch while retaining the Gem Lake parking area. We also considered multiple parking areas in previous EAs. Alternatives requiring multiple parking areas did not meet the purposes and objectives as stated on page 4 of the current EA, and multiple parking lots would result in greater visual impacts.

29. *I feel that the slight increase in approach time and effort will be justified by the enhancement of the “wilderness” climbing experience, which should result from the removal of the current Twin Owls lot.*

We agree.

30. *My change of mind in support of Alternative 1 is due largely to the (in my opinion) negligible increase in approach time, the decrease in chaos and stress that would result from the availability of more parking spaces, and the “beautification” of the Ranch Valley that removing the current Twin Owls lot would bring.*

We agree.

31. *There is a significant population who do not meet the traditional definition of “handicapped” but do have limitations that dictate where they can hike. Moving the existing parking is not a “minor impact” for/on persons in this category. . . . If the existing parking is eliminated and an additional 0.7-mile hike is required to access this relatively remote area, I will not be able to continue to go there. . . . I urge you to consider the impact that eliminating the existing parking area would have on persons with physical limitations. . . . Please do not limit our Estes Valley hiking to walking on concrete around Lake Estes.*

One of the compelling reasons why we decided to not realign significant portions of the Black Canyon Trail was due to concerns expressed by those with physical limitations. Also, with the implementation of the preferred alternative, the hike to Gem Lake will be shorter and somewhat easier. Unfortunately, access to the current Twin Owls parking via automobile will no longer be possible, and visitors with significant physical limitations may not be able to negotiate the new connecting trail. We do believe, however, that there are several other trails within the park that can provide hiking opportunities for visitors with physical limitations. The Cow Creek Trail, the Coyote Valley Trail, and the trails around Sprague Lake, Lily Lake and Bear Lake come to mind.

32. *It might be reasonable to establish a camping area, similar to the Glacier Gorge camping area, for climbers who wish to climb in the Sundance Buttress area.*

This issue was considered. We decided that the extra 0.7-mile distance and 20 minute additional hiking time to the Sundance Buttress area did not warrant establishing a bivouac site.

33. *The EA makes several points about disturbance to the ranch that seem either not credible or irrelevant. Without detailed proof, a rational person would not believe the assertion that slow moving automobiles cause vibrations that will structurally damage buildings that are 50 feet or more away.*

We agree that the assertion of the MacGregor Ranch that automobile traffic is damaging historic buildings is a weak argument. The data reported in the EA came from a study conducted by a private consulting company hired by the MacGregor Ranch. Despite the fact that this information was presented in the EA, it had little to do with our decision to implement the preferred alternative.

34. *The primary concerns the NPS should have are the quality of the visits to the park itself, as well as providing public access that best serves the public as a whole (not visitors to a private ranch that already has the benefit of being adjacent to the park).*

We agree. We believe that the preferred alternative will best serve “the public as a whole.”

35. *Even though many climbers will prefer Alternative 4a or b, we oppose them both from the standpoint of degradation of the experience (due to view of and noise from the new parking lot and access road) and because it will significantly increase crowding on routes on the western rock formations.*

Actually only 5 climbers that provided comments expressed a preference for Alternative 4A or 4B. Most climbers supported Alternative 1 (13 climbers) or Alternative 5 (14 climbers).

36. *The NPS should not surrender any public easement. The Twin Owls parking lot could be downsized and used for special needs people.*

The NPS never acquired a public easement on the access road to Twin Owls, and declined to do so in 1983 when the NPS acquired a conservation easement and other rights-of-way from the MacGregor Ranch. In that sense, we are not “surrendering” a public easement. With implementation of the preferred alternative, the Twin Owls parking lot would be closed to all but administrative use.

37. *The EA presents statements that the roadway needs to be relocated because of alleged damage to historic buildings. However, there is no technical analysis presented that substantiates this claim.*

Please refer to the response to Comment #33.

38. *I go to the Twin Owls lot to climb, hike, bird and simply to drive to the lot in the evening to watch the sun set against the dramatic backdrop of the high peaks on one side and Twin Owls on the other. It would be sad to lose access to the lot and trailhead as it currently exists, and I hope we won't have to.*

There will continue to be outstanding hiking and birding opportunities from the new parking lot. We believe that birding along the new access trail will be even better than birding along the Black Canyon Trail since it passes through ponderosa pine, open meadows and aspen. Unfortunately, visitors will no longer be able to drive to the Twin Owls parking lot to watch a sunset. To reach the same spot on foot will take about 20 minutes.

39. *Alternative 5 is the only alternative which maintains the present parking lot. This lot is far superior to any other proposed site in terms of convenience of access to Lumpy Ridge and in providing views of the high peaks. Hikers and climbers have used this lot for over 30 years and I see absolutely no reason why it should be removed.*

The preferred alternative does not deny access to the Twin Owls area for hikers and climbers or take away the spectacular scenery from that location. In fact, the removal of the parking lot will enhance the experience of hikers and climbers who choose to take the time to enjoy the views from that location. Providing convenient access was not one of the purposes or objectives for this project, and keeping the Twin Owls parking lot does not resolve any of the ongoing problems we are experiencing with the current parking lot. The preferred alternative best meets the purposes and objectives that were stated on page 4 of the EA.

40. *I think we should honor the MacGregor Ranch request to remove traffic from the heart of the ranch. So many more people will have reasonable access at the same time with Alternative 1 than is now available. And what great bouldering rocks are being opened up to the public!*

We agree.

41. *Many of the neighbors on the east end of the MacGregor Ranch now feel exasperated, if not wholly betrayed by the sense of heavy-handedness, done deals, and complicity between the MacGregor Ranch Board of Directors and the leadership of the National Park.*

Concerns expressed by nearby landowners have weighed heavily in our decision, and RMNP will go to great lengths and expense to mitigate impacts to nearby landowners. We fail to see how “heavy-handedness” has been employed in this process when RMNP has been working on this decision for 20+ years. During that time we have released three EAs for public review and comment and attended numerous public meetings and neighborhood meetings. Neighbors that commented on the EA were split between which alternative they thought was the best one. Some neighbors (3) stated our preferred alternative was the one they supported. Fewer neighbors (2) actually preferred the no action alternative. Many nearby landowners did not even comment on the EA.

42. *Why were we not informed of the land reverting to the Ranch long ago, instead of having it sprung on us at the eleventh hour? . . . I attended a meeting with Park and Ranch leadership in September 2001. AT NO TIME was there any mention of the possibility of a “land exchange” or “reversion” of the 10.04-acre parcel from the Park to the MacGregor Ranch should the east end parking lot alternative not be chosen. . . . As this process continues, I hope at the very least we are offered some explanation from the Park why this “reversion” is front and center so late in the game.*

Since we will be implementing the preferred alternative, the two parcels of land owned by RMNP will not revert to the ranch.

43. *Wind Ridge is eligible for designation on the National Register of Historic Places. At the very least, Wind Ridge and the MacGregor Ranch are on equal footing in terms of the obligation of the SHPO to provide a full analysis of alternatives through the formal consultation process.*

The SHPO did review and comment on the EA. In a letter dated May 17, 2002, the SHPO stated that the preferred alternative would have no adverse effect on Wind Ridge, and would not affect its eligibility for listing in the National Register of Historic Places. Wind Ridge was listed in the National Register on October 15, 2002.

44. *I continue to raise concerns about the drainage from the proposed parking lot in Alternative 1.*

As stated on page 115 of the EA, runoff from the Alternative 1 parking lot and access road during a 100-year storm would amount to 7.85 cfs. This amount of runoff can be handled in a corrugated metal culvert with a diameter of 18 inches. We will take the following steps to reduce impacts from stormwater drainage:

- Comprehensive drainage design and installation of drainage swales and culverts will be done to minimize drainage, erosion and sedimentation impacts. Drainage from the parking lot and road will be directed away from adjacent private land.
- Best Management Practices (BMPs) would be employed to minimize erosion and sedimentation during construction. Examples of erosion control measures include placement of straw bales in drainage channels, use of matting on slopes to hold soil in place, and placement of rip-rap to prevent scouring of drainage swales.
- Areas disturbed during construction would be revegetated with native vegetation as quickly as possible to stabilize soil and prevent soil loss.

45. *All of the lightscape and view issues with which the Ranch would be relieved would only be transferred to the Wind Ridge property under Alternative 1. The Wind Ridge cottage has all of its bedrooms on its west side, and daylight reflective glare and nighttime headlights from the access road would assuredly affect all rooms.*

As stated starting on page 113 of the EA, and in the attached Exhibit “A”, RMNP would take the following steps to address these concerns:

- To minimize impacts to seasonal residents, construction would not take place from May through September.
- Construction hours would be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.
- The parking lot would be located at the far north edge of the 10.04-acre parcel that is currently owned by the NPS.
- Existing rock outcrops at the Alternative 1 parking lot would be preserved to the greatest extent possible.
- The access road would be designed to use the existing topography to screen lines of sight and noise.
- Existing vegetation would be preserved to the greatest extent possible.
- Earthen berms would be used at strategic locations where necessary. Adjacent and nearby landowners would be consulted regarding the location of berms.
- Additional screen plantings of trees and shrubs would be used at strategic locations where necessary. Adjacent and nearby landowners would be consulted regarding the location of additional screen plantings.
- No exterior lighting would be used at any of the alternative locations.

46. *A hasty decision primarily based on pressure from the MacGregor Ranch is improper and needs to be evaluated much more carefully. There are multiple compelling reasons that neither prior assessments that recommended similar alternatives as the current subject EA recommends were never implemented. The primary reason is that the EA’s suggested alternatives were not the right decisions for the long term, NOR is the current recommendation for Alternative 1. This is still not the right alternative. . . . The issues are still not resolved by the current EA.*

We fail to see how this could be considered a hasty decision when RMNP has been working on this project for 20+ years. Through the years we have carefully considered numerous alternatives. The preferred alternative described in the current EA is substantially different than what was considered in

earlier EAs. With the implementation of the preferred alternative, RMNP will go to considerable lengths and expense to mitigate impacts to adjacent landowners. For example, the parking lot has been moved as far north as possible so that it is not visible from nearby homes. Building the parking lot at this location will be more costly and will require a longer more costly approach road. We believe that the preferred alternative best meets the purposes and objectives that were stated in the EA, and with implementation of the mitigation measures included in Exhibit "A", is the right decision.

47. *A lot that will only hold 80-100 cars doesn't seem big enough. With large boulders in that area and ranch owned property surrounding it that lot may not be able to be expanded upon as the need arises. We'll be back to square one in no time.*

There are no plans for future expansion of the parking lot. There are several instances in RMNP where the NPS has made a conscious decision to not expand a parking lot so that there is a limit placed on public use. With the land exchange that will occur between the ranch and the park, the entire access road will be located on park property where park rangers can enforce illegal parking.

48. *Keeping areas open for climbing and conserving the climbing environment and experience are fundamental to our mission. The current alternatives, especially the Preferred Alternative, are unacceptable to the local climbing community because they do not balance the interests of all the affected parties.*

Implementing the preferred alternative is not contrary to this mission. Lumpy Ridge will continue to remain "open for climbing." If conserving the climbing environment and experience equates to ease of access and convenience then the preferred alternative may not fully meet this mission. However, we do not believe that the 0.7-mile hike from the new parking lot to the Twin Owls area will compromise the "climbing environment or experience" of climbers. In fact, 33 percent of the climbers who commented on the EA support the preferred alternative.

We have been seeking a solution to this issue for many years. Interested parties include RMNP staff, the MacGregor Ranch, climbers, neighbors, equestrian users, hikers, birders, etc. We are not aware of any alternative that meets the expectations of all interest groups. Several of the alternatives that we've explored involve the MacGregor Ranch, which is private property. Without the support of the MacGregor Ranch Trustees, these alternatives are not feasible. We believe that the preferred alternative is the best solution, and a number of interested parties (including the Town of Estes Park, a number of climbers and some neighboring landowners) support this alternative.

49. *Because the limited choices provided in the EA primarily benefit the MacGregor Ranch by removing traffic from the developed area, while failing to improve access for the hikers, climbers, bird watchers and other visitors to the Park through other areas, the EA fails utterly to provide a reasonable range of alternatives as required in the NEPA.*

We disagree. Over the course of 20+ years and three EAs RMNP has explored a broad range of alternatives. The current EA included four alternatives plus a "No Action" alternative. The EA fulfills the requirements of NEPA.

The purposes and objectives of this EA did not include "improve access for the hikers, climbers, bird watchers and other visitors to the Park." Despite the fact that this was not one of the purposes for the project, we believe that the preferred alternative will improve access for many visitors by providing ample parking. In addition, the access to Gem Lake has been shortened by 1/3 mile.

50. *All of the alternatives, except No Action, negatively affect climbing (and other recreational) access because they significantly enlarge both the distance and difficulty of access to the most popular climbing areas located at the western end of Lumpy Ridge.*

Please refer to the responses to Comments #21 and 48.

Some climbers support the removal of the Twin Owls parking lot because it could result in decreased use of climbing routes at the west end of Lumpy Ridge, providing them with a better wilderness climbing experience.

51. *The provided alternatives fail to present options that balance the various interests of all the affected parties. Specifically, all of the alternatives, especially the Preferred Alternative, heavily favor the MacGregor Ranch at the expense of the recreational users of RMNP and/or the property owners located near the proposed parking area in Alternative 1.*

Please refer to the response to Comment #48.

52. *The EA provides no specific data justifying the assertions that continued use of the current Twin Owls parking lot road is unsafe. . . . There is no evidence that school groups visit the Ranch, or that there are significant traffic issues with pedestrians on the road. . . . Thus the safety concerns advanced in the EA are unwarranted.*

There are no documented accidents involving vehicles and pedestrians at the MacGregor Ranch. However, the MacGregor Ranch does indeed host numerous school groups during the school year and conducts a history camp for local youth each summer. Children do cross the access road that leads to the Twin Owls parking lot, and the potential for an accident does exist. We stand by our statement that there are concerns about pedestrian safety at the MacGregor Ranch.

53. *The Preferred Alternative would actually impede access by increasing the approach time to the most popular climbing areas by approximately one hour, round trip.*

Please refer to the responses to Comments #21 and 48.

54. *The current EA is inadequate in several ways and does not thoroughly explore all possible alternatives to satisfy NEPA. Along with the EA released in 2000, it continues to unfairly support the desires of the MacGregor Ranch while removing good quality and easily maintainable access to the current parking facility at Lumpy Ridge.*

Please refer to the responses to Comments #48 and 49.

55. *The current EA offers apparent support to raw statements made by the MacGregor Ranch in their personal desire to eliminate the existing roadway and all public access (including pedestrian).*

The purposes and objectives of this project, as stated on page 4 of the EA, include the following:

- Preserve the scenic qualities of the Lumpy Ridge area.
- Protect the National Register status of the MacGregor Ranch.

- Preserve the ranch's scenic qualities and historic ambiance.
- Assist the MacGregor Ranch Trustees to achieve their vision of operating the Ranch as it was 100 years ago. To accomplish this vision, modern intrusions must be removed from the MacGregor Ranch Museum area.

We support these goals as evidenced by the fact that they were included in the EA.

56. *There have been no studies done by the Ranch or NPS to provide legitimate figures on the numbers of automobiles passing through the Ranch, the number of school children visiting the Ranch, the number of visitors to their museum, the number of children crossing from the museum to the farm implement display, the past or current condition of the buildings in regards to their foundations, seismic vibrations, noise or dust levels calculations experienced at their museum or traffic incidents.*

Eliminating a safety concern for pedestrians is only one of several objectives that appear on page 4 of the EA. Even if there is insufficient data to justify a safety concern (and we believe a safety concern does indeed exist) there are many other reasons for implementing the preferred alternative.

57. *The EA is also inadequate in properly acknowledging climbing as a historic use and climbers as having had historic access to the current parking lot.*

We believe that the "historic" use of the Twin Owls parking lot by climbers dates back to the early 1970's. By 1980 RMNP had identified the need to relocate the trailhead and parking lot. The "historic access" to the Twin Owls parking lot is not consistent with the goal of the MacGregor Ranch of "returning the Ranch to its historical condition," as stated in the letter from the MacGregor Ranch that appears on page 122 of the EA. With implementation of the preferred alternative, access to Lumpy Ridge will still be available to climbers, hikers, and other park visitors.

58. *Continued quality access to this area should be a top priority.*

We agree.

59. *I have read and studied the EA and find it fundamentally flawed. It does not leave the existing access road through the Ranch and the existing parking lot. Alternatives 1-4 may have some redeeming features, but they are not worth the price of giving up the unique features and benefits that already exist. If RMNP needs new trailheads and parking they should take the necessary actions to develop them but not give up the ones they already have, until and unless they are no longer needed.*

A "No Action" alternative was included in the EA. However, retaining the existing trailhead and parking lot does not address many of the purposes and objectives of this project as stated on page 4 of the EA. The current Twin Owls parking lot and access road will not be closed until the new facilities have been built.

60. *A professor at the Colorado School of Mines stated that the resonant frequency of buildings such as those found at the Ranch just wouldn't match up with the frequency of the waves generated by cars, and that any signals that reach the buildings would be extremely weak anyway.*

Please refer to the response to Comment #33.

61. *Why is the Park at all involved in collaborating with the Ranch in its attempt to carry out Muriel MacGregor's wishes that her property be preserved as a working high mountain ranch? It's private property, isn't it? Let the Ranch and its Board of Trustees carry out their mission – RMNP doesn't have any compelling interest to be involved. . . . I really am confused about the way in which RMNP has destroyed its own historic structures but is now trying to convince the public that it has a vested interest in preserving historic structures on private property.*

The MacGregor Ranch is listed on the National Register of Historic Places, a program that is administered by the NPS. In 1980, the park boundary was amended to include the MacGregor Ranch, which is now an inholding within RMNP. In 1983, the NPS acquired a conservation easement on 1,221 acres of MacGregor Ranch property in order to prevent the sale and development of ranch property. This was done to protect the scenic and historic qualities of the ranch. We do have a compelling interest in the future of the ranch, and we agree with the mission of the MacGregor Ranch Trustees, which is "To continue operation of the MacGregor Ranch as a high mountain historic working cattle ranch and to support youth education."

RMNP has about 135 historic structures and six historic districts in the park that are listed on the National Register of Historic Places. We also have one National Historic Landmark. In recent years we have spent millions of dollars to restore historic structures in the park including the buildings at the MacGraw Ranch National Historic District.

62. *Denying access through the core of the Ranch, fencing off its perimeter, erecting visually unappealing No Trespassing signs, and relocation of the Black Canyon Trail so that visitors to RMNP are shut out from experiencing the historic value of the MacGregor Ranch runs counter to its stated mission. The EA says that the Park wants to " . . . clearly demarcate recreational activities and natural resources within RMNP from those of the MacGregor Ranch," so it apparently supports the ranch in its efforts to shut out the public.*

RMNP does support the MacGregor Ranch Trustees in their mission to return the ranch to its historical condition. The preferred alternative helps to accomplish this mission while continuing to provide access to Lumpy Ridge. The Ranch will continue to be open to the public for educational purposes and other events, but there will be no vehicular or pedestrian access to Twin Owls along the current access road. The Ranch has been, and will remain private property. The MacGregor Ranch Trustees have the right to determine what type of access will be allowed.

Because of concerns expressed by the public regarding the realignment of the Black Canyon Trail, only a limited portion of the trail may be realigned to move the trail off the NPS land that will be transferred to the Ranch as part of the land exchange. The land exchange will only include the minimum acreage necessary to facilitate the development of the new parking lot and access road.

63. *I have been coming to Lumpy Ridge for more than 20 years, in all seasons, and on every day of the week, and I don't ever recall seeing a group of children on a tour of the Ranch buildings. . . . At the public meetings held in Estes Park, the same issue was discussed, and once again, **no one** in the room gave any credence to the idea that the Ranch serves more than 5000 school children each year. . . . The Park is responsible for the statements in the EA, and it's unbelievable that they would allow such ridiculous claims to go unchallenged. . . . I could list 100 places in RMNP where the threat to children and adult pedestrians alike is so much greater than the perceived threat to the non-existent children at the Ranch, and yet the EA is using this argument to further its agenda.*

Please refer to the responses to Comments #52 and 56.

64. *I think the historic access is clearly two lanes wide – until 1999, the public could drive along that road as though it was two lanes, pulling over a bit to let other cars drive by. I would like to see RMNP promote that view of the access situation so that we can get our two-lane road back.*

The access road has never met the standard for a two-lane road. The pavement width is only one lane wide, and as you observed, at least one vehicle had to pull off the pavement to let another vehicle pass.

65. *All three themes proposed are, in our view, unsatisfactory. In our view a national park's purpose is to be as accessible as possible without causing too much detriment to the surrounding environment. We do not believe that any of the proposals adequately uphold this purpose. New trails cause a large negative impact on the environment. Moving the parking lot flies in the face of the historical access which taxpayers purchased to guarantee their access.*

The stated mission of RMNP, as authorized by Congress in 1915, is to allow “the freest use of the said park for recreational purposes by the public and for the preservation of the natural conditions and scenic beauties.” In our view, “freest use” does not mean that the park has to be “as accessible as possible.” With implementation of the preferred alternative we will continue to provide access to RMNP and to uphold the mission of the park.

The new connecting trail will cross the MacGregor Ranch, which is a working cattle ranch. The Ranch agreed to the access trail in 1983, and accepted the potential for environmental impacts with the understanding that closing the Twin Owls parking lot would result in a greater benefit to the management of the Ranch. While the trail will cause impacts, we do not believe that these impacts will be significant.

The MacGregor Ranch owns the road through the ranch, not the NPS. RMNP never intended to secure access to the Twin Owls parking lot or it would have done so when the NPS acquired a conservation easement and trail rights-of-way for the Black Canyon Trail and the Gem Lake Trail from the MacGregor Ranch Trust in 1983.

66. *Our board cannot endorse your proposed alternative for the new trailhead but we are pragmatic enough to realize that your proposal will probably prevail. If this is the final decision we urge you to take all necessary measures to mitigate the impact on adjacent landowners.*

We agree. Concerns expressed by nearby landowners have weighed heavily in our decision, and RMNP will go to great lengths and expense to mitigate impacts to nearby landowners. Please refer to the “Nearby Landowners” section of Exhibit “A” for a list of mitigation measures that will be implemented in order to reduce impacts to neighboring landowners.

67. *This seems to be construction for the convenience of the NPS and the Ranch and not for the climbers and hikers who come to experience things “as they used to be”. The project seems to also be gross and unnecessary overkill of the environment.*

We will continue to provide access to Lumpy Ridge, although it may not be as “convenient” as the current parking lot. Providing convenient access for hikers and climbers was not one of the purposes for undertaking this project. Some of the objectives of the project included providing adequate parking capacity, providing safe access, and minimizing traffic congestion. We believe that the preferred alternative meets these objectives. Because of concerns expressed by the public regarding the realignment of the Black Canyon Trail, only a limited portion of the trail may be realigned to move the trail off the NPS land that will be transferred to the Ranch as part of the land exchange. The drinking fountain and seating area will remain at the existing trailhead. We believe that all of this can be accomplished without significant environmental impacts.

68. *We need accurate, independently provided facts about access road traffic and parking. These facts should include detailed counts for each day of the week and at different times of the year.*

Please refer to the responses to Comments #52 and 56.

69. *A more complete proposal that includes more objective, quantitative data would better establish the true needs. Combining this with consideration of alternatives that focus on community needs and not MacGregor Ranch would finally establish an open, good faith public effort at finding the overall best solution.*

We believe that the “true needs” for this project have been well documented in the Purpose and Objectives that appear on page 4 of the EA. We also believe that we have made a “good faith public effort” over the course of 20+ years to find a workable solution. While the preferred alternative may not fulfill the desires of all interest groups, it is the alternative that best addresses the purposes and objectives as stated in the EA, and does so without significant impacts to natural or cultural resources. The fact also remains that the MacGregor Ranch is private property, and any solution that involves MacGregor Ranch land must be supported by the MacGregor Ranch Trustees.

70. *I disagree with trees being cut down and roads, trails and new parking lots being built when there is an already-existing road and parking lot that has been used for over 30 years.*

Retaining the current Twin Owls Parking lot does not resolve any of the problems that have arisen over access to trailhead, and does not meet the purposes and objectives for this project. The preferred alternative addresses these issues in a way that will not result in significant environmental impacts.

71. *I feel that the opinion of the 7 folks who live or work on the MacGregor Ranch should NOT be valued more highly than the opinions of the thousands of other user groups who frequent the area.*

We have carefully considered the input we received from the 108 respondents who commented on the EA. Our decision reflects the input we received from all interested parties. All of the alternatives presented in this and previous EAs involve the MacGregor Ranch in one way or another. For this reason, and because the Ranch is private property, the opinions of the MacGregor Ranch Trustees are very important. Amendment V of the U.S. Constitution states, “. . . nor shall private property be taken for public use, without just compensation.” We believe that it is very unlikely that Congress would authorize condemnation of any portion of the MacGregor Ranch to resolve this matter.

72. *I am confident that following more than 30 years of public access, the National Park has few options than to acquire the “public access” to the Twin Owls parking lot by reason of Adverse Possession.*

Please refer to the response to Comment #16.

73. *The NPS has happily 'condemned' property rights in other parks where necessary to serve public purpose, and compensated the owner a fair market value for the adverse possession. Why not consider this action to make the prescriptive easement through the MacGregor Ranch permanent, and create reasonable parking on both sides of the road?*

We do not believe that Congress would authorize a condemnation proceeding for the following reasons:

- A reasonable alternative exists (i.e., the Preferred Alternative).
- The Preferred Alternative has garnered public and political support, including support from climbers and neighboring landowners.
- The MacGregor Ranch and its programs enjoy widespread support in the community, and pitting the Federal Government against the Ranch would be divisive.

74. *I certainly hope that the views of a single faction (i.e., the climbers) don't sway your decision from the preferred alternative. As a hiker, I would certainly enjoy exploring a different part of Lumpy Ridge to the east.*

We have carefully considered the input we received from the 108 respondents who commented on the EA. Our decision reflects the input we received from all interested parties.

75. *Lumpy Ridge is a special place, and it should be protected. If climbers want a short walk, they can go to an indoor gym. For most people, the beauty of the area is what makes it special, not the length of the hike. I urge you to support Alternative 1. This alternative balances access with environmental concerns.*

We agree.

76. *I am in my 80's. This site is one of the few so accessible to older persons and children. I am in favor of Alternative 5A (enlarge the existing parking lot).*

Please refer to the response to Comment #31

77. *Relocating the trailhead sets a precedent that trail access is unimportant.*

We disagree. We are not denying access to Lumpy Ridge, the Black Canyon Trail or Gem Lake, and we will be expending a significant amount of money to provide adequate parking capacity, a restroom and a new connecting trail through the MacGregor Ranch.

78. *I find the Ranch's purported concern for 5000 children on the road puzzling: in almost 20 years of going up and down that road, I don't believe I have seen 50 children! I tend to notice those, as I'm a teacher.*

Please refer to the responses to Comments #52 and 56

79. *An extra two kilometers each way adds a dangerous potential of encountering afternoon thunderstorms when one is returning from Sundance. This is already a major factor even if one is in the parking lot at dawn.*

The distance each way is actually 1.1 kilometers. We understand the concern about lightening. However, by leaving the new parking lot 20 minutes earlier than one would expect to leave the current Twin Owls parking lot, there would be no increased risk from lightening while rock climbing. Because visitor safety is important, a telephone for emergency use will be installed at the site of the current Twin Owls parking lot.

80. *I don't mind hiking an extra kilometer, "lazy climber" comments to the contrary, nor do any of my partners, none of whom are younger than 40.*

Thank you for your comment.

81. *Please be aware that the majority of people who visit Lumpy are climbers. Your estimable organization has a chance to do right by a considerable number of people. I hope you will accept that privilege and responsibility.*

We recognize that a majority of people who use the Twin Owls parking lot are climbers. We also have issues that cannot be resolved by maintaining the Twin Owls parking lot at its present location. By implementing the preferred alternative we will continue to provide access to Lumpy Ridge. We will be able to provide safe and adequate parking capacity for a wide range of park visitors, including hikers, climbers, birders and equestrian users. We truly believe that the preferred alternative will “do right by a considerable number of people.”

82. *I strongly feel that the current access road should be left as is and the current Twin Owls parking lot enlarged. This would provide handicapped access to view the Twin Owls up close and see the climbers. It is the option that would be the most cost effective and the most environmentally friendly since the road and parking lot are already there.*

We recognize that the preferred alternative will preclude vehicular access to the current Twin Owls parking area for all users, including disabled visitors. If a disabled person or any other visitor wanted to use the access road in the future, they would have to seek permission from the MacGregor Ranch. However, upon leaving the Ranch and entering the park, there would be no vehicular access or parking available for visitors.

83. *In reading over the EA what impressed me most was how the public is pressuring the NPS to become the National Parking Lot Service for their convenience, with little or no consideration for protection of valuable natural resources.*

The new parking lot, access road and connecting trail will result in impacts to natural resources. This is necessitated by the following factors:

- The issues surrounding the use of the current Twin Owls parking lot and access road must be resolved.
- We believe that the best solution is to move the parking lot.
- The new parking lot must be placed in a location that will minimize visual impacts to adjacent landowners and to the scenic qualities of the “North End” as viewed from Devils Gulch Road.
- In order to continue to provide reasonable access to rock climbing routes on Lumpy Ridge, a trail connection is needed between the new parking lot and the Black Canyon Trail.

We believe that the preferred alternative addresses these factors in a way that does not create significant environmental impacts. Also, with the implementation of the preferred alternative, two parking lots can be eliminated (Twin Owls and Gem Lake).

84. *The area slated for paving under the “preferred alternative” is, indeed a “paradise” of wildflowers and wildlife of many kinds that most people haven’t been privileged to experience as I have. It is a major pathway for deer year-round, fawning area, and deer seek the protection it provides from bitter winds in winter. Small mammals and birds seek out water caught in rock pools in the table rocks when the intermittent stream dries up. Wildflowers are in greater diversity and numbers in the very site proposed for paving than in just about any other area in the vicinity of the Ranch or Gem Lake Trail.*

We agree that the area is biologically diverse. We will salvage as much native vegetation as possible by transplanting it outside the zone of disturbance. We will also use topsoil removed from the access road and parking area to restore the parking lots at the Twin Owls and the Gem Lake trailheads. Animals will be displaced during construction, but we do believe that they will continue to frequent the area after construction is completed. There will be very little disturbance to rock pools, and water is available in areas along the Gem Lake Trail.

85. *Invasive weeds could become a horrendous problem in the parking area and along the road, impacting private landowners as well as park property.*

We will frequently monitor park property for any invasive exotic plants. We have a very proactive invasive exotic plant control program and will remove any invasive weeds that are found in the area.

86. *Alternative 4 should be rejected. Placing a parking lot along Black Canyon Creek near the base of the Book would be environmentally irresponsible and irreconcilable with the NPS mission.*

We agree and decided not to select Alternative 4.

87. *I urge you not to remedy the access problems at Lumpy Ridge by selecting an alternative that would ruin the place and destroy the reason we visit this area. Some climbers have come out in favor of Alternative 4, because it provides the shortest approach hikes to climbing of all the alternatives. As a rock climber, I can emphatically say that I would rather have a longer approach hike in order to protect Lumpy Ridge.*

Thank you for your comment and we have decided not to implement Alternative 4.

88. *I recommend that the parking be increased in the Twin Owl's parking area as this will reduce the amount of traffic caused by people driving to the lot, finding it full, then returning through said land.*

As previously mentioned, increasing the parking capacity at the Twin Owls parking lot did not meet the objectives discussed in the EA.

89. *I wholeheartedly support Alternative 5 – do nothing. This will cost no money. It will involve no new construction. It will do no new environmental damage.*

Alternative 5 did not meet the objectives discussed in the EA.

90. *I have never, having climbed at Lumpy Ridge since 1974, had a close call with another vehicle on the narrow road, and I can't remember even seeing a pedestrian crossing the ranch road.*

There have been reported but undocumented minor accidents along the access road, but most other minor accidents have occurred in the existing Twin Owls parking lot due to heavy congestion and limited space. Pedestrians, including school children, do indeed cross the road. It is the only way to get from the MacGregor Ranch homestead to the farm implement display.

91. *One more point in favor of Alternative 5--the lot is small, and to get a spot you need to arrive early. But this does limit the number of people hiking and climbing in this area at any given time. I think this is a good thing.*

We agree that limiting the size of a parking area can limit use, but the size of the Twin Owls parking lot has not limited use. For many years visitors parked illegally on MacGregor Ranch land when the Twin Owls parking lot was full. When the MacGregor Ranch erected fencing along both sides of the road to prevent illegal parking, visitors parked near the entrance to the Ranch along Devils Gulch Road. With the implementation of the preferred alternative, the NPS will own the land around the parking lot and along the access road. NPS law enforcement rangers can enforce illegal parking on NPS-owned land. The parking capacity in the new parking lot will control use in the backcountry that is accessible from the new parking lot. When the parking lot is full, visitors will have to go elsewhere.

92. *I think the "safety concern" on the part of the ranch is hogwash. I use the Twin Owls trailhead about 100 times a year. I have never felt that the access road endangered anybody on the ranch.*

Please refer to the responses for Comments #52 and 56.

93. *Until the Town and Park are forced by uncontrolled increases in cars and traffic, to establish a public shuttle system to all major trail heads, the best possible "Temporary Solution" for the Lumpy Ridge parking problem is to do as little damage to the existing environment as possible.*

There are no plans to establish a shuttle system that will access the new parking area. The no action alternative does not meet the objectives discussed in the EA.

94. *The public's, RMNP's, and MacGregor Ranch's goal should be to minimize further destruction of natural land. All three entities should be working together to create a solution with **minimal new environmental impact**.*

We believe that the preferred alternative, along with the implementation of the mitigation measures that are included in Exhibit "A", best meets the objectives that were stated on page 4 of the EA while keeping environmental impacts to a minimum.

95. *I do admit that, in spite of the excellent access provided by the current Twin Owls trailhead, removal of the access point is probably appropriate in light of the increasing access road conflicts in the core usage area of the MacGregor Ranch. I do not feel that Alternative 5, the "do nothing alternative", would be a responsible means of providing safe access for RMNP users and of minimizing landowner conflicts for the long term future.*

We agree.

96. *If you move the parking lot and trailhead, making the hike much longer, it becomes too long for the older and younger climbers among us.*

The connecting trail from the new parking lot to the Twin Owls area is 0.7-mile long and should take about 20 minutes to complete. Access will continue to be available for young and old climbers. The new parking lot may not be as convenient as the current Twin Owls lot, but we believe that almost all users, with the exception of those with significant physical disabilities, will be able to use the new connecting trail.

97. *I have many friends who are in their late 40s and 50s who climb, who work as physicians, professors, and lawyers, in demanding jobs with little free time. This area, and the access, give us the opportunity to work and play where we live.*

Please refer to the response to Comment #96.

98. *I support the preferred alternative. Most climbers are quite capable of walking 0.7 miles in a short time.*

Thank you for your comment.

99. *It seems to me that the new fences are illegal and are designed to create a conflict that can be solved by closing the road. Perhaps legal action would clear this up and force the appropriate relocation of the fences.*

The road is located on the MacGregor Ranch, which is private property. The fences were erected to prevent illegal parking and are legitimate.

Please refer to the response to Comment #16.

100. *I traditionally have used the area for climbing, however as I have aged, I am primarily interested in hiking and scrambling in this area. The preferred alternative would make it far more difficult for me to use the area.*

We are not denying access to the area and do not consider the additional 0.7 mile hike to be a significant negative impact.

101. *You have not made the case for the preferred alternative. It appears that your safety concerns are totally blown out of proportion. Perhaps more trailheads are the answer. I'm am sure you can do a better and more fair job of making changes that work for all users. Until you can, don't do anything.*

Please refer to the responses to Comments #48, 52, and 56.

102. *Alternative 1 seems to be the most logical choice. It addresses the access issue, restores a part of the canyon (the current Twin Owls parking lot), and does not lengthen the access to the point that it will greatly impede visitation.*

We agree.

103. *I have climbed at Lumpy Ridge for 11 years, but have also hiked there with my family. It is a wonderful area to hike and climb, and should not be made more difficult to access because of the demands of one landowner.*

We will continue to provide access to the area for hikers, climbers and other users. The preferred alternative will provide adequate parking, which will improve access for many users. The hike to Gem Lake will be 1/3-mile shorter. We do not believe that the 0.7-mile connecting trail will significantly impede access to Lumpy Ridge.

104. *If the park is going to make a change, then I would like to see the change improve access for hikers, and particularly for climbers.*

Please refer to the response to Comments #39 and 103.

105. *I would be very surprised if the dominant use of the parking lot were not climbers, and secondarily by hikers.*

Although we do not have data to support this statement, we agree that the predominant users of the Twin Owls parking lot are rock climbers.

106. *This proposal appears to benefit the private landowners in the area without providing any like benefit to the public desiring access to this outstanding area of the Park.*

Please refer to the response to Comment #48. The benefits to the public include safe, adequate parking in a location that resolves the conflicts between visitor use of the Twin Owls parking lot and the MacGregor Ranch.

107. *While adding an additional 0.75 miles to the trail may not seem particularly burdensome, this does significantly impede a climber's ability to access many of the rock areas. Since overnight camping is not allowed, climbers must access the area for day-use only. As you know, many of the rock cliffs close to the Twin Owls parking lot are already under raptor closures, so that access is already relatively difficult (for example, we usually leave Boulder by 5 am when planning a climb in this area). Since the climbing season coincides with the thunderstorm season, prudent climbers plan to be off their routes before early afternoon. The NPS-favored plan adds both mileage and difficulty to the hike in, and can be predicted to add significant hazard to climbers who use the area (deaths from lightning, e.g.).*

Please refer to the response to Comment #79

Raptor closures in the Lumpy Ridge area vary from year to year. There are more extensive closures from late March to the end of April when raptors are going through courtship and deciding which nest or ledge to use. During incubation, some of the closures are lifted. In 2002, for example, the Twin Owls rock formation was reopened in April, so it was only closed for a few weeks.

108. *You have allayed our concerns about liability in Alternative 1 by both moving the parking lot further north, which should help discourage short cuts being taken across our property, and the proposed fencing.*

Thank you for your comment.

109. *During the summer the small parking lot is often overcrowded, and these access issues need to be addressed. I believe adding a new parking lot will ease the parking constraints, and I don't mind the extra hike.*

Thank you for your comment.

110. *It looks like you have come up with an excellent solution for the Twin Owls and Gem Lake.*

Thank you for your comment.

111. *I am a climber who accesses the Lumpy Ridge from this trailhead. As I live in Denver, I have often arrived late enough in the day to have to park out along Devil Gulch Road. The 0.7-mile*

additional hike in from the parking area proposed in Alternative 1 is still shorter than the hike up the access road to the current parking area. So for me the parking proposed in Alternative 1 would be the preferable choice.

One of the ways that the preferred alternative will improve access is by providing adequate parking spaces. Visitors who arrive later in the day should find ample parking.

- 112. Please don't build a lot on the valley floor one mile west of the current lot. I would rather hike a few extra miles than see the aesthetic valley destroyed with a parking lot. The first three alternatives would all maintain the beauty of the valley and the experience that is Lumpy Ridge.*

After careful evaluation of the various alternatives we agree with your concern and will implement our preferred alternative. The area to the west will not be developed.

- 113. I am in favor of Alternative 1 (Preferred Alternative) for the following reasons:*
- a We enjoy being able to walk from our home to the trailhead and the proposed location is most convenient as the distance to Gem Lake will be shorter than it is now.*
 - b Getting the parking lot further off the Devils Gulch Road and allowing a real parking lot is both more functional and visually appealing.*
 - c. Minimizing the trails through private holdings and the ranch will make for a more enjoyable trail environment, less confusion and less need for sign after sign clarifying whose land is whose.*
 - d. The plan seems to lend itself better to potential future needs than the other alternatives.*

Thank you for your comment. Some signs and fences will be required in order to prevent trespassing on adjacent private land.

- 112. I found the Environmental Assessment to be inadequate in a number of respects, including the following:*
- a. The alternatives proposed do not represent the full range of reasonable alternatives. In particular, all of the alternatives, except No Action, significantly degrade access to the area for the vast majority of users in that they dramatically increase both the length and arduousness of the access to the most popular areas. There is no alternative to No Action proposed that maintains or improves access, even though such could easily be designed.*

Please refer to the responses to Comments #48 and 49. Because of the public's opposition to realigning the Black Canyon Trail, which would have made the trail more arduous, we have decided to retain the current trail alignment except where it is advantageous to move the trail off the NPS land that will be transferred to the Ranch as part of the land exchange.

- b. *The alternatives proposed do not represent a careful balancing of the interests of the various affected parties. In particular, the Preferred Alternative is heavily skewed in favor of the interests of the MacGregor Ranch, and to the detriment of the users and the neighbors. For example, the Preferred Alternative returns to the Ranch a valuable trail easement that was obtained by the National Park Service over 20 years ago, but proposes a much more circuitous and arduous alternative, with the Ranch providing no new access in return. The Ranch gets valuable bottomland, but gives up much less valuable rocky, hilly terrain. The Ranch gets rid of traffic through its developed area, but refuses to provide alternative access along the South Access Road, which would cost them nothing.*

Please refer to the response to Comment #8.

- c. *There is no specific data provided to justify the statements made in the EA regarding safety issues with respect to use of the current road accessing the Twin Owls parking lot. In particular, the NPS staff (per my phone call to them) has no record of any accidents or incidents on the road prior to the fence being installed by the MacGregor Ranch, nor any independent verification of the 5,000 school children who are alleged to visit the Ranch each year and who are used to justify the existence of a safety issue. In fact, no one at the meeting ever remembered seeing even one group of such children on the Ranch, nor did anyone remember even one accident or close call on the road.*

Please refer to the response to Comments #52 and 56.

- d. *There is no consideration given to the effect of the proposed lengthened access on the elderly, handicapped, children, and people coming from low altitude. Clearly the Preferred Alternative would create a significant disincentive for many people to visit the area.*

Please refer to the response to Comment #31.

- e. *There is no evidence provided that there is any real conflict between the Ranch's activities and the use of the existing roads and trails by RMNP users. . . . No one at the meeting had ever observed any conflicts between the parties in any areas, and certainly no potential conflicts that would justify such extreme efforts to attempt to separate the activities. . . . Colorado law protects from liability those property owners who allow recreational use on their land without charge.*

With the exception of the access road to the Twin Owls parking lot, we agree that there are very few conflicts between park visitors and MacGregor Ranch operations. Because of concerns expressed by the public regarding the realignment of the Black Canyon Trail, only a limited portion of the trail may be realigned to move the trail off the NPS land that will be transferred to the Ranch as part of the land exchange. We would only exchange the minimum amount of land needed to implement the preferred alternative.

- f. *The EA attempts to argue that the Preferred Alternative makes more accessible certain climbing areas. This is deceptive since the vast majority of climbing use is in the areas made more inaccessible, simply because there is more and better rock in those areas.*

The land exchange as presented in the EA would have transferred approximately 100 acres located in the northeast corner of the MacGregor Ranch to RMNP. Had this occurred, it would have provided visitors with opportunities for bouldering in an area that had previously off limits due to the fact that it is private property owned by the MacGregor Ranch. We are no longer planning to obtain 100 acres in the northeast corner of the MacGregor Ranch. We agree that many outstanding climbing routes are located at the west end of Lumpy Ridge. We will continue to provide access to that area of the park.

114. *I am very concerned about the proposed land exchange of 70-acres of NPS land at the west end of Lumpy Ridge and the nine acres just west of the existing Twin Owls parking lot. This land is the last of the open meadow, ponderosa pine savanna that the park owns on the south facing side of Lumpy Ridge. The open meadow, aspen, willow, ponderosa pine habitat has a high diversity and density of flora and fauna.*

We agree with your comment. After careful consideration, we have decided not to proceed with the land exchange as presented in the EA. We will only exchange the minimum amount of land necessary (up to a maximum of 70 acres) to implement the preferred alternative.

115. *Lumpy Ridge has the highest known density of nesting raptors in the park. Many of the breeding raptors that nest on or near Lumpy Ridge hunt in open meadows, feeding heavily on the Wyoming ground squirrel (*Spermophilus elegans*) that are common on the 79 NPS acres and on MacGregor Ranch land during the raptor's breeding season. . . . MacGregor Ranch has killed Wyoming ground squirrels both by poisoning (in the past) and by shooting (present time). Other private landowners in the area have also killed ground squirrels and the density of this important prey species near Lumpy Ridge is probably declining. . . . If the 79-acres of NPS land become MacGregor Ranch property, the EA does not provide any substantial assurance that the ground squirrels will be protected. . . . I would also like see mentioned in the EA and/or FONSI that if the land exchange occurs that language will be written into the conservation easement that MacGregor Ranch agrees to not kill ground squirrels anywhere else on their land except in only the small core area of the ranch and that no poisoning of ground squirrels will occur even in that area.*

Please refer to the response to Comment #6.

116. *I am opposed to the 79-acre land exchange even if mitigating measures are put into a conservation easement. I believe it is just not a good idea to give up all Wyoming ground squirrel habitat in that area of the park. Losing the 79-acres of NPS land will not benefit RMNP. Despite my objection, if this land exchange occurs, the EA and FONSI should acknowledge that there could be a long-term negative impact on nesting birds of prey including one pair of prairie falcons, one pair of Northern goshawks and one pair of golden eagles. The EA does not adequately address the impact of the land exchange on ground squirrels and discusses the fact that the ground squirrel is also an important prey species for fox, badger, bear and mountain lion that forage in the area.*

Please refer to the response to Comments #8 and 114.

117. *The nine acres of land just west of the Twin Owls parking lot is part of important nesting habitat to one pair of prairie falcons and one pair of Northern goshawks and provides a buffer zone between the existing Black Canyon Trail and known nest sites. Losing this land to MacGregor Ranch and rerouting the Black Canyon Trail could have long-term negative impacts on these two breeding pair of raptors.*

The nine acres of land will not be exchanged. Because of concerns expressed by the public regarding the realignment of the Black Canyon Trail, only a limited portion of the trail may be realigned to move the trail off the NPS land that will be transferred to the Ranch as part of the land exchange.

118. *The EA should have gone into greater detail that the 70-acres of land will be subjected to permanent livestock grazing at higher levels than has been used in the past 25-years, which will be a negative impact. The EA on page 75 states: "A maximum number of Animal Unit Months (AUMs) so that elk and mule deer winter range is not unduly impacted." This language is also vague and the EA or FONSI should state what the AUM limit will be on the 79 acres of land. . . . Who will*

build and maintain the fence and will the park oversee grazing on ranch land to ensure that the AUM level is not exceeded? Once again my preference is not to exchange this land with the ranch so the park does not have to become livestock range managers.

We agree. We will only exchange the minimum amount of land necessary (up to a maximum of 70 acres) to implement the preferred alternative. RMNP will place a conservation easement on any land we transfer to the MacGregor Ranch. The conservation easement will include the maximum number of AUMs that can be supported on the land. A buck and rail fence has already been constructed along the park boundary and will be maintained by RMNP. The fence will be modified when the land exchange is completed so that Ranch land and RMNP land can be clearly delineated and livestock are excluded from the park.

- 119. Part of the 300 plus acre grazing lease includes 30- acres of irrigated meadow. A large part of the 30-acres of meadow is now covered in carex species, which is an indication of wetland habitat. It is possible the carex is there due to the irrigation or from seepage from the irrigation ditch, but this was not addressed in the EA and it is presently unknown if a large part of the 30-acres should be considered wetland habitat. A wetlands expert should be consulted to do an evaluation. If it is wetland habitat, the EA and FONSI should discuss what impact continued livestock grazing will have on the wetland habitat.*

The irrigated meadow was grazed by MacGregor Ranch livestock for 100+ years until the lease expired in 2001. The meadow has been impacted by livestock grazing, and only recently were cattle excluded from the area. With the land exchange, it is likely that all of the irrigated meadow would be returned to the MacGregor Ranch. The impact to probable wetlands would be no different than existed for over 100 years.

- 120. My preference would be to exclude all of Black Canyon Creek and any other willow and aspen habitat from any land exchange and this habitat be permanently protected from livestock grazing. If the 70 acre land exchange occurs, the boundary of the land exchange should be on the north side of Black Canyon Creek outside the riparian corridor and land to the south of the creek.*

The boundaries of the land exchange have not been legally defined. If the land going to the MacGregor Ranch does include willow and aspen habitat, the conservation easement could include protections for those habitat types.

- 121. The 79 acres the park has proposed to give up should be considered more important wildlife habitat than the 111 acres and therefore there will be no net benefit to wildlife and in fact the park will lose important habitat. However, as for the 111 acres of MacGregor Ranch land the EA has identified for a land exchange, the NPS should still pursue acquiring that land due to the reasons discussed in the EA, but by an outright purchase, which would forgo the need for a land exchange.*

The land that will be transferred from the park to the MacGregor Ranch will be the minimum acreage needed (up to a maximum of 70 acres) to implement the Preferred Alternative. The acreage transferred to the Ranch will be covered by a conservation easement designed to protect the natural resources on the property. For example, the conservation easement will establish a maximum carrying capacity for the land for grazing purposes so that the land will retain some, if not most, of its value for wildlife.

In December, 2002, a Preliminary Estimate of Value was completed for the MacGregor Ranch and NPS lands proposed for exchange. Based on the preliminary estimate of value, the NPS will not acquire the 111 acres as originally proposed. At this time, fee simple acquisition of that area is not possible because funding is currently not available and the MacGregor Ranch is not a willing seller at this time.

122. *Alternative 4 and the proposed parking lot at the west end of Lumpy Ridge as discussed in Alternative 4. I am opposed to this parking lot and the implementation of Alternative 4 primarily due to the negative impact it would have on one nesting pair of golden eagles.*

We agree with your concerns and Alternative 4 will not be implemented.

123. *I recommend that the Black Canyon Trail reroute be dropped from consideration for several reasons:*
- a. Possible negative impacts to one nesting pair of prairie falcons, one pair of Northern goshawks and one pair of golden eagles.*
 - b. Negative impact to senior citizens.*
 - c. The proposed reroute has a lot of up and down grade as it winds along the base of Lumpy Ridge, which is significantly different than the gentle grade of the existing trail.*
 - d. Impacts to climbers that are in a hurry to reach their climbing destination and possible consequential social trail impacts due to climbers not wanting to use the new trail.*

We agree, and impacts to raptors were one of the principal reasons for not realigning the trail except where it is necessary to skirt around the area to be transferred from the NPS to the MacGregor Ranch.

Exhibit A

Mitigation Measures

Topography, Geology and Soils

Best management erosion and sediment control practices would be implemented to minimize soil loss during construction. Topsoil salvage, replacement, and revegetation with native plants would minimize the long-term effect on soil productivity and the loss of soil and vegetation material. Erosion control measures, such as the installation of water bars and drainage channeling, would be done on any new trail construction.

Restoration of the existing Twin Owls parking lot and potentially the Gem Lake parking lot would include scarification, regrading to approximate natural grade, and revegetation with native plants. Revegetation with native species would be done on any areas disturbed by the construction of the parking lot and access road.

Vegetation

Revegetation with native plants would minimize the long-term loss of vegetation.

All disturbed areas would be monitored for invasive exotic plants. If any invasive exotic plants are found they would be controlled.

For screening purposes, more ponderosa pines, juniper and aspen would be planted around the parking lot and access road. Only native trees from the local area would be used in planting, which may require some transplanting or propagation in the park's greenhouse.

For the land that is being transferred from RMNP to the MacGregor Ranch, RMNP will seek to include the following mitigation measures in the conservation easement:

- Only native plants and grasses will be planted.
- Protection for aspen and willow habitat.

Wetlands

Best management practices would be implemented to protect nearby wetlands, riparian areas and water quality during construction of the access road and parking lot. Erosion control devices and prompt revegetation with native plants would minimize impacts.

Wildlife

Best management practices would be implemented to protect nearby vegetation and wildlife habitat during construction. Topsoil salvage, replacement, and revegetation with native plants would minimize the long-term effect on wildlife habitat. For the land that is being transferred from RMNP to the MacGregor Ranch, RMNP will seek to include the following mitigation measures in the conservation easement:

- A maximum number of Animal Unit Months (AUMs) so that elk and mule deer winter range is not unduly impacted.
- Ground squirrels, which are a prey base for raptors, will be protected to the extent possible.

Threatened, endangered or Rare Species

RMNP will seek to protect ground squirrels via a conservation easement on any land that is transferred from the park to the MacGregor Ranch. Ground squirrels are an important prey base for raptors, including the Northern goshawk and prairie falcon.

A rare plant survey would be conducted. The access road and connecting trail alignment will also be surveyed for rare plants. Rare plants would be protected if any are found.

Air Quality

During construction, the surface of the access road and parking lot would be dampened during dry weather to mitigate dust impacts to nearby landowners. The access road and parking lot would be paved.

Natural Soundscapes

To minimize impacts to the natural soundscape, construction of the new parking lot and access road would be done during the fall, winter or spring when nearby seasonal residences are vacant.

Preserving existing vegetation and the existing topography to the extent possible would minimize noise. Constructing earth berms and planting additional vegetation would further reduce noise.

Lightscape Management

Preserving existing vegetation and the existing topography to the extent possible would minimize reflected sunlight and the light from headlights. Constructing earth berms and planting additional vegetation would further reduce reflected sunlight and the light from headlights.

Cultural Resources

Additional trees and shrubs would be planted to further screen the parking lot and access road from adjoining and nearby landowners.

Because the Wind Ridge property is listed in the National Register of Historic Places, the NPS will consult with the SHPO regarding the mitigation measures that are proposed. Please note that in a letter dated May 17, 2002, the SHPO stated that the preferred alternative would have no adverse effect on Wind Ridge, and would not affect its eligibility for listing in the National Register of Historic Places.

Should any previously undiscovered archeological resource be discovered during construction, work would be stopped in the area of the discovery and the Park archeologist would be contacted to assess the value of the find prior to resumption of the activity. If a significant cultural resource were discovered, the Park would consult with the SHPO/Tribal Historic Preservation Officer, and the Advisory Council on Historic Preservation, as necessary. Park staff would ensure that any personnel doing the construction are informed of the procedures to follow in case previously unknown archeological sites are uncovered. There are penalties for illegally collecting artifacts or intentionally damaging archeological resources.

Visitor Use

An equestrian trail would be provided directly across Devils Gulch Road from the local equestrian trail known as Otie's Trail so that horseback riders can reach trails in RMNP.

A telephone for emergency use would be installed at the site of the current Twin Owls parking lot.

Park Operations

The construction standards and materials used by the park for the construction of the parking lot, access road, connecting trails, fencing and realignment of the Black Canyon Trail would help to keep long-term maintenance costs down. Efficient use of park staff and cost savings may be realized by hiring contractors to perform the work.

Visual & Scenic Resources

Existing rock outcrops would be preserved to the greatest extent possible to provide visual screening. The access road would be designed to be as far as possible from nearby residences, and existing vegetation (especially trees) would be preserved to the greatest extent possible in order to provide visual screening. All disturbed areas would be revegetated with native plants upon completion of the project.

Local & Regional Economy

The 1/3-mile connecting trail from the existing Gem Lake parking lot would be closed and restored only with the concurrence of the affected landowners. The landowners could decide that the Gem Lake Trail should remain open to the horseback riding concessionaire. In that case, only the Gem Lake parking lot would be closed and restored. Landowners adjacent to the existing parking lot and trail would be consulted before any decision is made. However upon completion of the new parking lot, the National Park Service would no longer maintain or sign the portion of the Gem Lake Trail that is located outside the park.

A trail would be constructed directly opposite Devils Gulch Road from Otie's Trail to provide access to the park.

Nearby Landowners

Visual, Noise, Light and Glare Impacts.

- To minimize impacts to seasonal residents, construction would not take place from May through September.
- Construction hours would be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.
- Existing rock outcrops would be preserved to the greatest extent possible.
- The access road would be designed to use the existing topography to screen lines of sight and noise.
- Existing vegetation would be preserved to the greatest extent possible.
- Earthen berms would be used at strategic locations. Adjacent and nearby landowners would be consulted regarding the location of berms.
- Additional screen plantings of trees and shrubs would be used at strategic locations. Adjacent and nearby landowners would be consulted regarding the location of additional screen plantings.
- No exterior lighting would be used.
- Blasting will be required during construction of the parking lot and possibly the access road. Blasting would not take place from May through September. A written notice about pending blasting activities will be hand-delivered in advance to all nearby landowners in the event that a residence is occupied during the off-season. All blasting will be conducted in accordance with the NPS Blasting Manual, which includes important safeguards for people and property.

Dust.

- To minimize impacts to seasonal residents, construction would not take place from May through September.
- During construction, soil in the construction area would be kept damp in order to minimize the generation of dust.
- The access road and parking lot would be paved.
- Areas disturbed during construction would be revegetated with native vegetation as quickly as possible to minimize soil exposure to wind.

Invasive Exotic Plants.

- The area of disturbance and the length of time that disturbed soils are exposed will be kept to a minimum.
- Disturbed areas will be revegetated with native species as quickly as possible to minimize the invasion of exotic plants.

Revegetation of disturbed areas would include several measures. Principal mitigation components would include:

- Implementation of Best Management Practices to prevent wind and water erosion.
- Salvage of topsoil and existing seed sources.
- Protecting trees and shrubs adjacent to the construction site.
- Application of topsoil and native seed and plantings according to site-specific conditions and vegetation communities.
- Application of soil amendments, mulches, matting, organic matter, and other measures to facilitate revegetation.
- Revegetation seeding and planting would use native species from genetic stocks originating in the Park. Plant species density, abundance, and diversity would be restored as nearly as possible to pre-construction conditions.
- Monitoring to evaluate vegetation cover and development of contingency and maintenance plans if vegetation cover is not similar to original ground cover.

Additional measures to prevent the introduction and spread of invasive exotic plants during construction include:

- Implementation of invasive exotic plant management practices in accordance with the Park's Exotic Plant Management Plan (Draft NPS 2002) to prevent infestation and spread.
- Minimizing the area of disturbance and the length of time that disturbed soils are exposed.
- Avoiding use of topsoil currently supporting exotic plants.
- Cleaning and inspecting construction vehicles to prevent the import of invasive exotic plants from tires and mud on the vehicles.
- Limiting the use of fertilizers that may favor invasive exotic plants over native species.
- Using periodic inspections and spot controls to prevent exotic plant establishment. If exotic plants invade an area, use of an Integrated Pest Management (IPM) process to selectively combine management techniques to control the particular species.

Erosion, Sedimentation, and Stormwater Runoff.

Runoff from the parking lot and access road during a 100-year storm would amount to 7.85 cfs. This amount of runoff can be handled in a corrugated metal culvert with a diameter of 18 inches.

- Comprehensive drainage design and installation of drainage swales and culverts will be done to minimize drainage, erosion and sedimentation impacts. Drainage from the parking lot and road will be directed away from adjacent private land.
- Best Management Practices (BMPs) would be employed to minimize erosion and sedimentation during construction. Examples of erosion control measures include placement of straw bales in drainage channels, use of matting on slopes to hold soil in place, and placement of rip-rap to prevent scouring of drainage swales.
- Areas disturbed during construction would be revegetated with native vegetation as quickly as possible to stabilize soil and prevent soil loss.

Trespass.

- RMNP would furnish and install signs and fences to discourage trespassing.
- Fencing would be used to confine vehicular traffic to the parking lot access road and parking lot. Gates would be installed as needed to provide access to nearby residences. Affected landowners would be consulted before fencing or gates are installed.